



CITY OF AVON PARK

Highlands County, Florida

110 East Main Street

Avon Park, Florida 33825

January 21, 2015

Avon Park City Council
110 East Main Street
Avon Park, Florida 33825

Dear Council Members:

Pursuant to City Ordinance No. 874, you are hereby notified of a Regular Meeting of the City Council on Monday, January 26, at 6:00 p.m., in the City Council Chambers located at 123 East Pine Street, Avon Park, Florida. If you are unable to attend, please contact me at 452-4403.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian Deleon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Julian Deleon
City Manager



CITY OF AVON PARK
Highlands County, Florida

CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
123 E. Pine St., Avon Park, FL
January 26, 2014
6:00 PM

A. OPENING

1. Invocation
2. Pledge of Allegiance
3. Roll Call

B. CITIZENS/OUTSIDE AGENCIES

C. CONSENT AGENDA:

4. Approve Minutes of January 12, 2014

D. COMMITTEE REPORTS/ATTY UPDATES/ANNOUNCEMENTS/PRESENTATIONS

6. Powerpoint Presentation on MS4 NPDES/FDEP Stormwater System Permit (posted in PDF on website)
7. Discussions on Roadway Funding Priorities for FDOT 5-year work Program
8. Battle of the Bands event- Road Closure request
9. ABATE- October 2015 event

E. ADMINISTRATIVE

12. Second Reading Ordinance 01-15: Annex 30 Lake Byrd Blvd
Public Hearing
13. Second Reading Ordinance 02-15: Annex 28 Lake Byrd Blvd
Public Hearing
14. Second Reading Ordinance 03-15: Annex 20 Lake Byrd Blvd
Public Hearing

15. Second Reading Ordinance 04-15: Annex 17 Lake Byrd Blvd
Public Hearing
16. Second Reading Ordinance 05-15: Annex 15 Lake Byrd Blvd
Public Hearing
17. Second Reading Ordinance 06-15: Annex 13 Lake Byrd Blvd
Public Hearing
18. Second Reading Ordinance 07-15: Annex 2501 US 27 North
Public Hearing
19. First Reading of Ordinance 13-15: Annex 2840 Marten Road
20. First Reading (Transmittal Public Hearing) Ordinance 10-15 Future Land Use Update to
Mixed Land Use for parcels:

Parcel #1	C013428A0000400000	160	Acres
Parcel #2	C01342802000G00000	8	Acres
Parcel #3	C01342802000H00000	4	Acres
Parcel #4	C073429A0000200000	11	Acres
Parcel #5	C07342902000C00060	7	Acres
21. First Reading Ordinance 11-15 Future Land Use Update to City Medium Density Residential
for parcel: C12342805000000010 18 Acres
22. First Reading Ordinance 12-15 to establish City Zoning for R3-MH for parcel:
C12342805000000010 18 Acres
23. Approval of County Recreation Interlocal

G. CITIZENS PARTICIPATION

H. ADJOURN

Any person who might wish to appeal any decision made by the City Council of the City of Avon Park, Highlands County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the City Manager prior to the meeting.

C 4

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
January 12, 2015
6:00 PM

Members Present: Mayor Sharon Schuler, Deputy Mayor Brenda Giles, Councilman Parke Sutherland
Councilman Terry Heston, Councilman Garrett Anderson.

Members absent: None

Others Present: City Manager Julian Deleon, and Administrative Services Director Maria Sutherland,
Attorney Gerald T. Buhr, Members of Press and Audience.

Mayor Sharon Schuler called the meeting to order at 6:00 P.M. The invocation was given and the
Pledge of Allegiance was recited. The roll was called and a quorum was present.

CONSENT AGENDA: City Manager, Julian Deleon, noted the items on the consent agenda.

- Council Minutes Regular Meeting December 29, 2014

Motion by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to approve consent
agenda as presented. Motion passed 4 to 1 with Councilman Garrett Anderson voting no.

PROCLAMATION: 47 Anniversary of the Agricultural and Labor Program.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Terry Heston to approve the
Mayor signing the Proclamation. Motion passed unanimously.

ANNOUNCEMENTS: City Manager Julian DeLeon announced the upcoming events for January.

ADMINISTRATIVE:

ORDINANCE 08-15: Second reading Ordinance 08-15 Approve Final Master Development Plan for
Grand Oaks PUI,

City Attorney Gerald Buhr read the Ordinance Title into the record.

Mayor Sharon Schuler opened the Public Hearing:

Jeff Schmucker introduced the final master development plan for Grand Oaks PUD. He spoke about
conditions, coordination with CSX. This is a Phase I presentation that has met the Zoning requirements
and development standards requirements.

Mike Delaney, 210 E Shockley Rd, Avon Park, expressed his thoughts regarding safety concerns due to
no sidewalks, no lighting, lack of speed limit signs and asked Council to look into the Gastor Road
easement arrangements between CSX and the County in more detail before the project is approved.

The Engineer for the Developer, Carol Cool, approached the podium and agreed that safety concerns are
an issue and expressed that the traffic study completed actually included the ALF on top of the
Residential traffic study. He submitted Phase I and II traffic studies even though only Phase I is to be

developed under the current 08-15 Ordinance. He stated the traffic is a County issue and not a City issue because the County owns Gastor road.

Dom Calderone, owner of the development approached the Council to express that he is planning to change the residency requirements of the PUD to senior living. Mr. Delaney countered that there are other developments on Gastor Road that do have families with children and the residents of the Grand Oaks development will add t the safety concerns due to more cars traveling on Gastor Road.

Mayor Sharon closed the public hearing.

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve Ordinance 08-15. Motion passed unanimously.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to authorize City Attorney Gerald Buhr to ask the County via Resolution to clarify the Gastor Road Deed and the use of the CSX owned right of way along Gastor Road. Motion passed unanimously.

FIRST READING OF ORDINANCE 01-15 Annex 30 Lake Byrd Blvd.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Garrett Anderson to approve First Reading of Ordinance 01-15. Motion passed unanimously.

FIRST READING OF ORDINANCE 02-15 Annex 28 Lake Byrd Blvd.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Garrett Anderson to approve First Reading of Ordinance 02-15. Motion passed unanimously.

FIRST READING OF ORDINANCE -03-15: Annex 20 Lake Byrd Blvd.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Garrett Anderson to approve First Reading of Ordinance 03-15. Motion passed unanimously.

FIRST READING OF ORDINANCE 04-15: Annex 17 Lake Byrd Blvd.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Garret Anderson to approve First Reading of Ordinance 04-15 Motion passed unanimously.

FIRST READING OF ORDINANCE 05-15 Annex 15 Lake Byrd Blvd.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Garrett Anderson to approve First Reading of Ordinance 05-15. Motion passed unanimously.

FIRST READING OF ORDINANCE 06-15: Annex 13 Lake Byrd Blvd.

Motion made by Councilman Terry Heston, Seconded by Councilman Parke Sutherland to approve First Reading of Ordinance 06-15. Motion passed unanimously.

FIRST READING OF ORDINANCE 07-15: Annex 2501 U S 27 North.

Motion made by Councilman Terry Heston, Seconded by Councilman Parke Sutherland to approve First Reading of Ordinance 07-15. Motion passed unanimously.

APPROVAL OF LOWEST BIDDER FOR MUSEUM AT COMMUNITY CENTER:

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles **to reject all bids and re-bid with alternative specs.** Motion passed unanimously.

CITIZEN PARTICIPATION:

Patricia McCall, 29 Forest Hill Ct. Avon Park, approached the podium and addressed the Council regarding large Pit Bull dogs being let loose at night in her neighborhood. She stated she has been bitten by one of the dogs and one of her Chihuahuas has been killed by one of the pit bulls. She does not feel safe walking in her neighborhood. City attorney Gerald Buhr spoke about a "Dangerous Dog" Ordinance.

Motion made by Councilman Terry Heston, Seconded by Deputy Mayor Brenda Giles to have City Attorney Gerald Buhr draft a "Dangerous Dog" Ordinance. Motion passed unanimously.

Cheryl M. Gelinas, 1004 Alton St, Avon Park, she s a member of ABATE. She stated that the recent contract sent to ABATE was cumbersome. She stated the insurance requirements were not what the original discussion entailed. Atty Buhr responded that negotiations for contracts typically go back and forth between the parties. Council requested the need for Abate to communicate with Staff to remedy their concerns and negotiate the contract.

Meeting adjourned at approximately 7:15 PM

Attest City Clerk, Maria Sutherland

Mayor Sharon Schuler

Agenda Item Summary

D-7

Subject: Transportation/FDOT-5 Year Program City Rankings

Item No.

Placed on Agenda by: City Manager

Total Amount of Project: N/A

Staff Review: Yes

Recommended Motion(s):

Motion which to include the rankings as determined by the City Council

Background: Staff has identified eight possible projects for funding from FDOT’s 5-year work program. These projects were selected based on the proximity to public facilities, such as schools, parks, and downtown access. These items make our application score higher in the overall ranking process for the entire County. This process should be repeated and re-evaluated annually. If you have others projects, we can consider them in future years.

Project #	Project Description	City Council Priority Ranking (1 through 8)
A	CR 17/Stryker Multipath	
B	US 27 Sidewalk and Lighting	
C	South Lake Verona/Bell Multipath	
D	Walnut, Camphor, Cherokee Multipath	
E	SR17/ East Cornell Street Multipath	
F	Wester Avenue Multiuse Path	
G	South Carolina Multipath	
H	Widening Pleasant Street by an added 5-ft	

Identified City Transportation Priorities

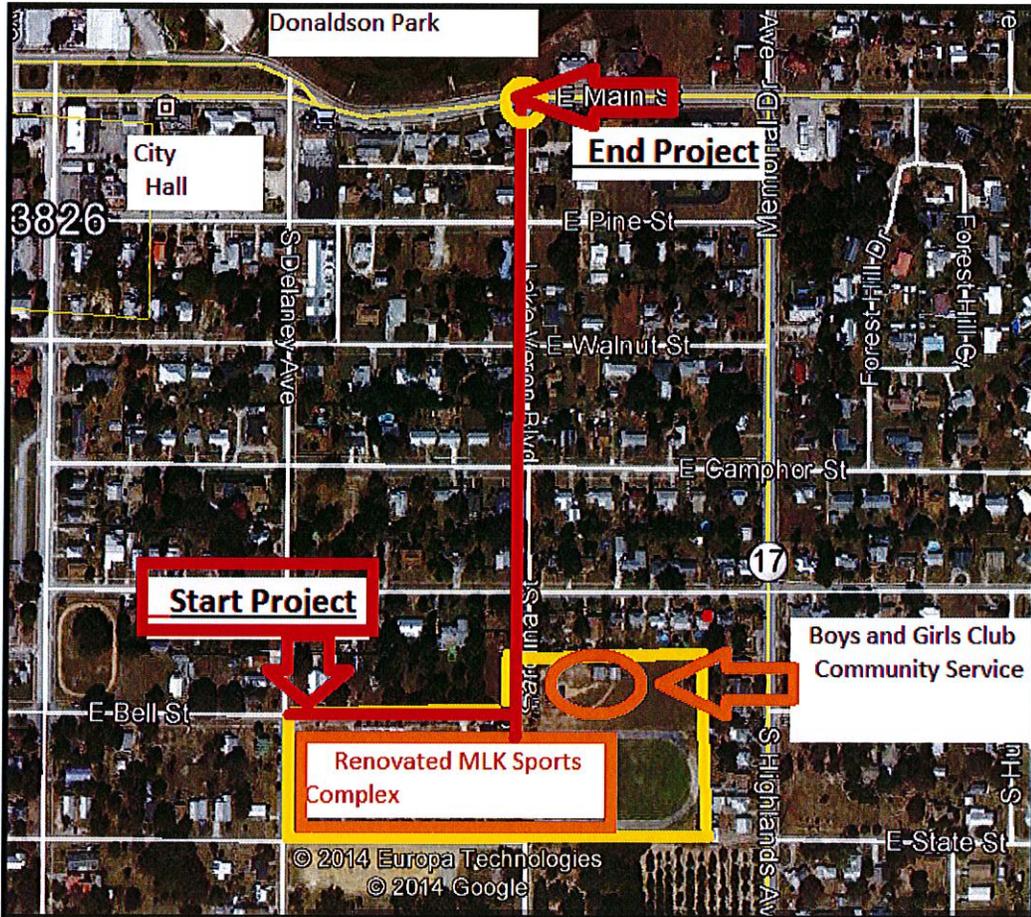
A- Project description: Multipath aligned along County Road 17A W/Stryker road spanning from US-27 to Lake Isis Drive for approximately 1,800 ft in length.



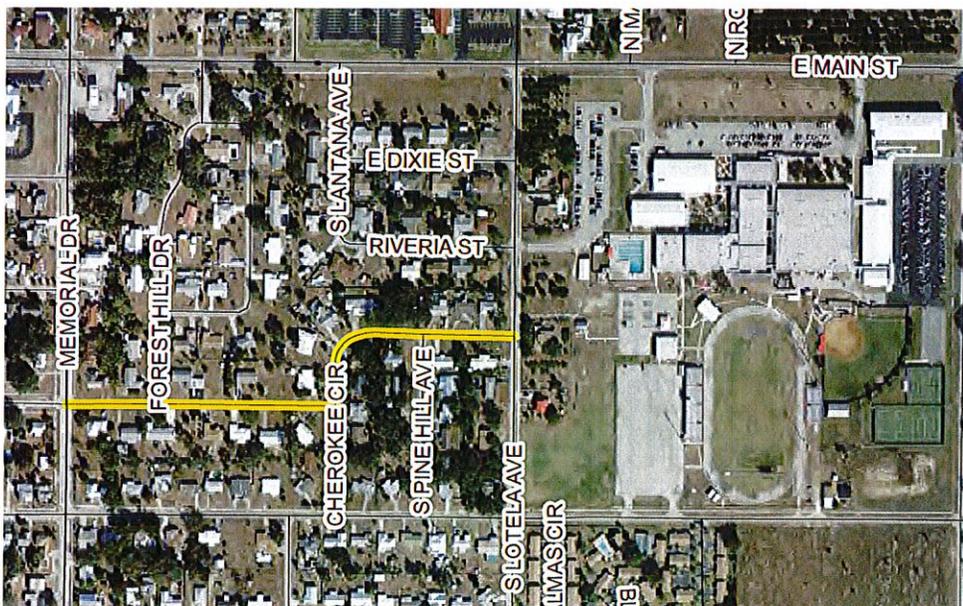
B- Project description: Multipath aligned along US-27 road spanning from Marble (Race-Track gas station) to the north of Avon Park Public Works. The length is 4,700 ft. This urbanized area also need street lighting on US-27. This Multipath connects South FI State College, the Reflections Manufactured Home Park to the business District of the City limits of Avon Park. Lighting and Multipath are needed for pedestrians and traffic safety.

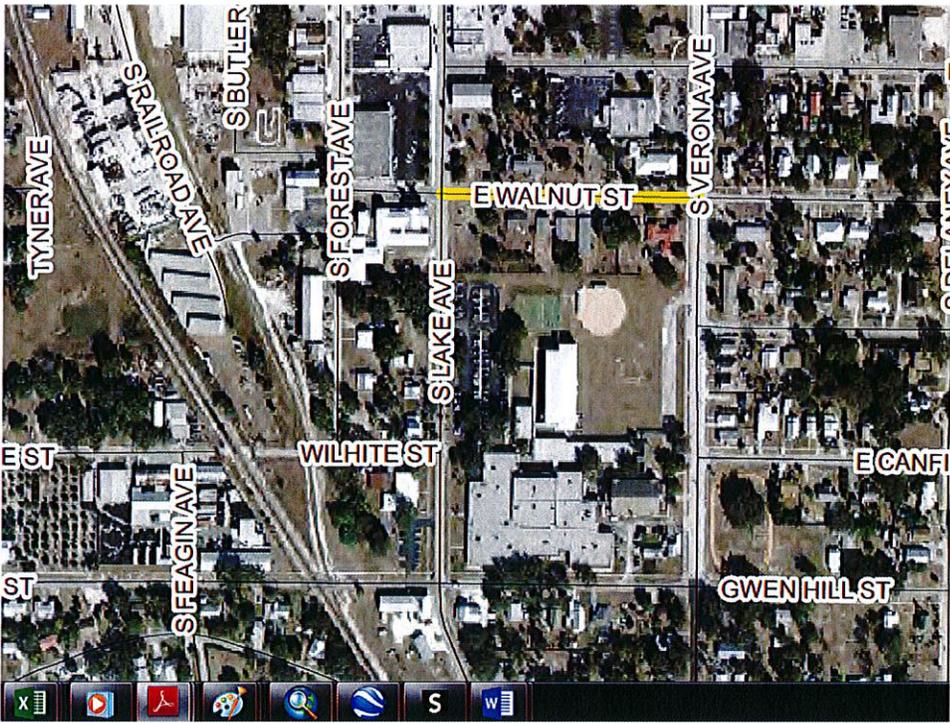


C- Project description: 2,600 ft of 7-ft multipath aligned along South Lake Verona to connect Main Street to the Martin Luther King Complex, to Main Street, City Hall, Boys and Girls Club, and Donaldson Park as an integrated parks facility.



D- Project description: As shown in Figure-A, this proposed Multipath will begin at Memorial Blvd, aligned along E. Camphor Street through Cherokee Circle ending at South Lotela Ave. This project connects Memorial Blvd to the High School. The length is approximately 1,483 ft. This project also includes a short stretch of Multipath along Walnut as shown on Figure-B.





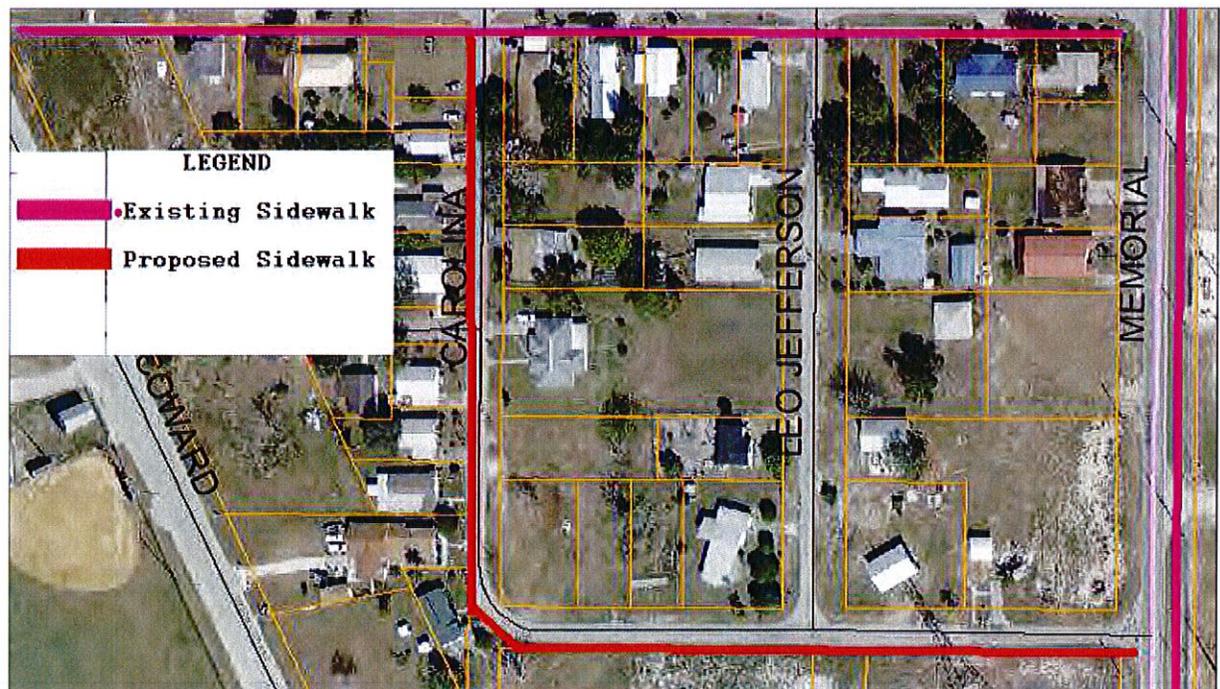
E- Project description: This proposed multi-use path will connect with and extend the present multi-use path adjacent to Memorial Drive (CR 17A). It will increase pedestrian and bicycle safety along Cornell St. (SR 17) which is functionally classified as a Major Collector. This project is located less than one mile from both Avon Park High School and Avon Park Middle School and will increase safety for students walking or cycling to those schools. The surrounding area is primarily residential and neighborhood commercial. There are at least two multi-family housing developments in the project area which also generate pedestrian and bicycle traffic.



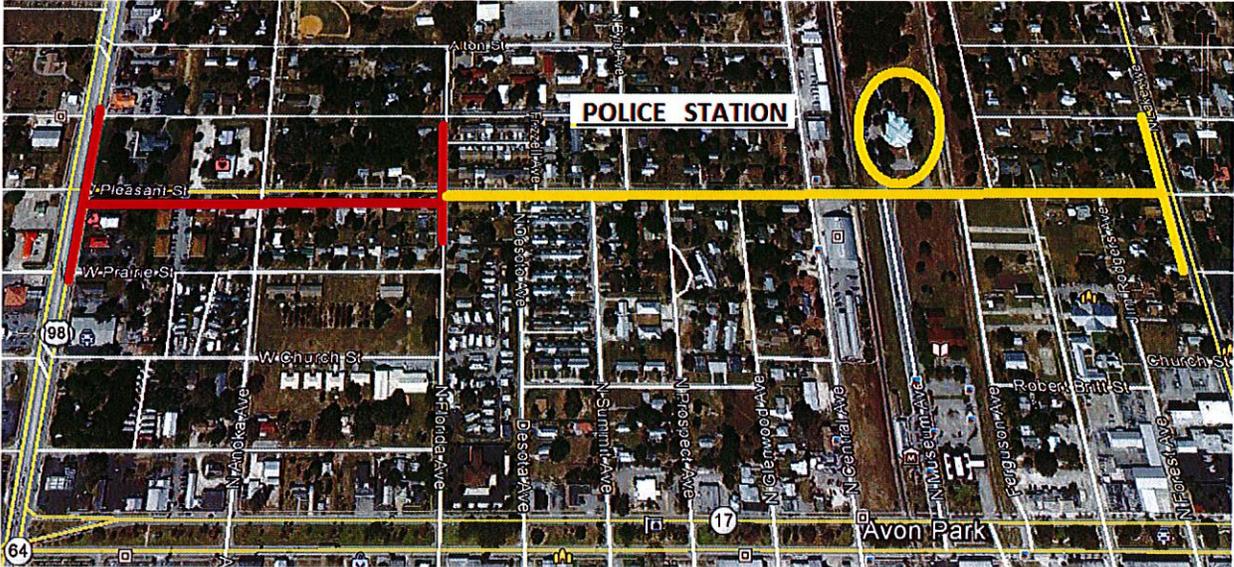
F- Project description: This proposed multipath along Wester Avenue, starting at Pleasant and terminating on Main Street, spanning for 1,400 ft will connect a densely populated neighborhood to the Church, High School and the City's Downtown public parks, and municipal services.



G- Project Description: This project involves constructing 1,200 ft of Multipath and drainage along South Carolina Avenue, spanning from Ernest E Sims St to Memorial Ave.



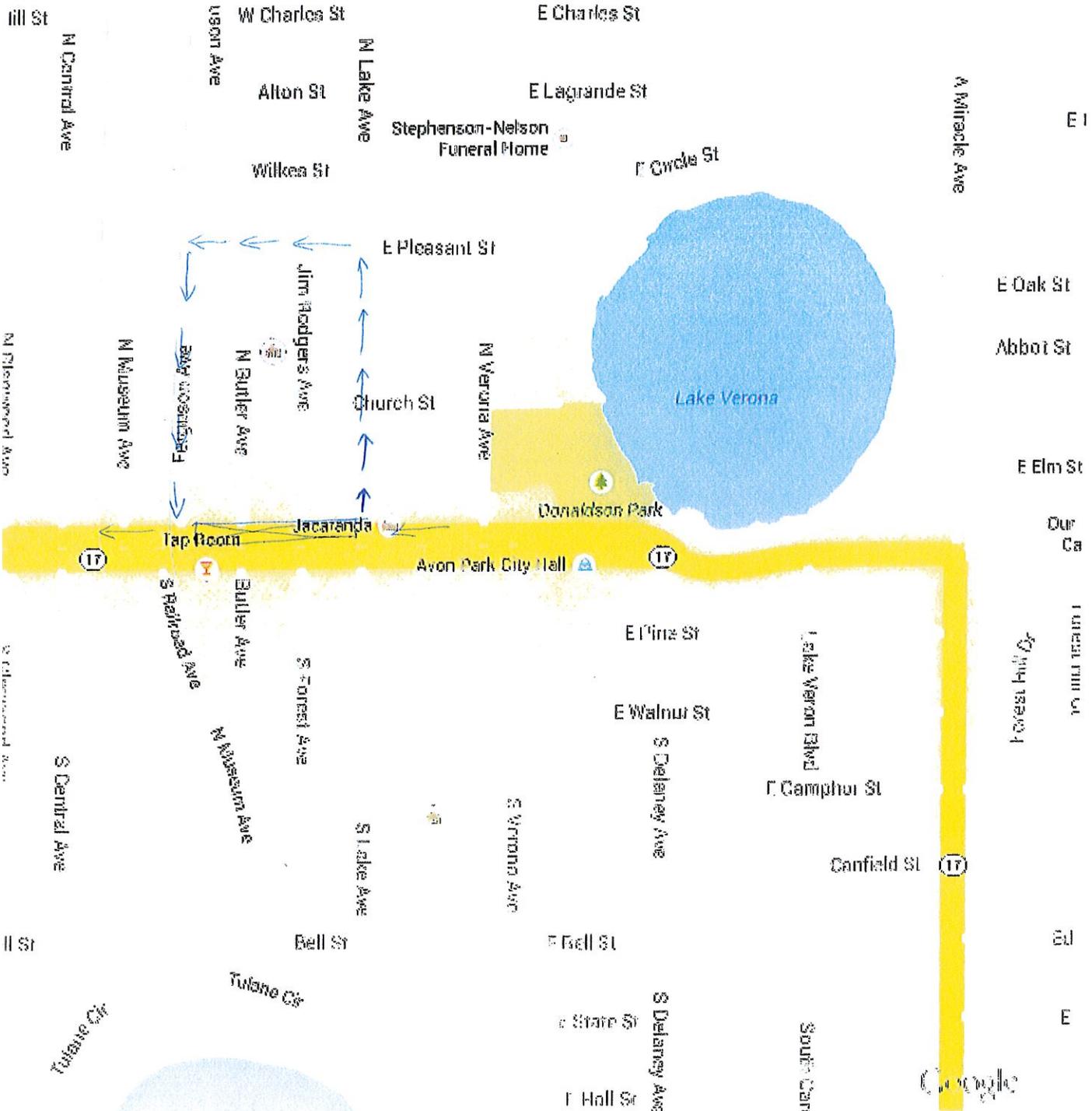
H- Project Description: For background purposes, E. Pleasant St is 25 ft wide from US-27 to North Florida, then abruptly the road bottle necks into a 20 ft width at the intersection of Pleasant and North Florida. This presents a dangerous condition as the change is suddenly unexpected, and the traffic is heavy through this road. This road is used by the Police Station located on Pleasant and Central to gain emergency access to US-27. This project involves widening E. Pleasant St by an additional 5-ft of width between North Florida and North Lake to correct the bottle neck.



BATTLE of the BANDS

March 7, 2015

D-8



 = area to be closed (between Lake + Ferguson)
 (WEST bound lanes only)
 = Detour routes

Maia Fowler

From: Anna Marie Feeney <royal4homeservices@live.com>
Sent: Thursday, January 15, 2015 11:11 PM
To: Maia Fowler
Subject: RE: TYPE-O In News letter...

Hi Maia,

When we saw each other today, we discussed which blocks, but not how long.

I was hoping to have food trucks setting up starting at 10am and shutting down at about 6pm.

Any other vendors the same, and the Bands will begin at Noon, and end at 5pm.

Chili Cook off will run about the same time as the bands.

Clean up will on going throughout the day, and will be done by 8pm.

Do you think we can set the cones and shut down that side from 9:30am till 7pm?

Annie

From: mfowler@avonpark.cc
To: royal4homeservices@live.com
Subject: RE: TYPE-O In News letter...
Date: Thu, 15 Jan 2015 13:23:32 +0000

I am really sorry about that – just goes to show you I don't find all of the typos!!!!!!!!!!

From: Anna Marie Feeney [mailto:royal4homeservices@live.com]
Sent: Friday, January 09, 2015 4:51 AM
To: Maia Fowler; Maria Sutherland
Subject: TYPE-O In News letter...

Hi Maia,

I read the newsletter. FYI, it's Annie Feeney, LOL.

See you soon,
Annie

ExchangeDefender Message Security: [Check Authenticity](#)

E-12

ORDINANCE 01-15

AN ORDINANCE TO ANNEX APPROXIMATELY 0.43 ACRES OF LAND OWNED BY ROSA ANTHONY L + DEBRA JONEL, LOCATED AT 30 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, ROSA ANTHONY L + DEBRA JONEL, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by ROSA ANTHONY L + DEBRA JONEL, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 day of JANUARY, 2015.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

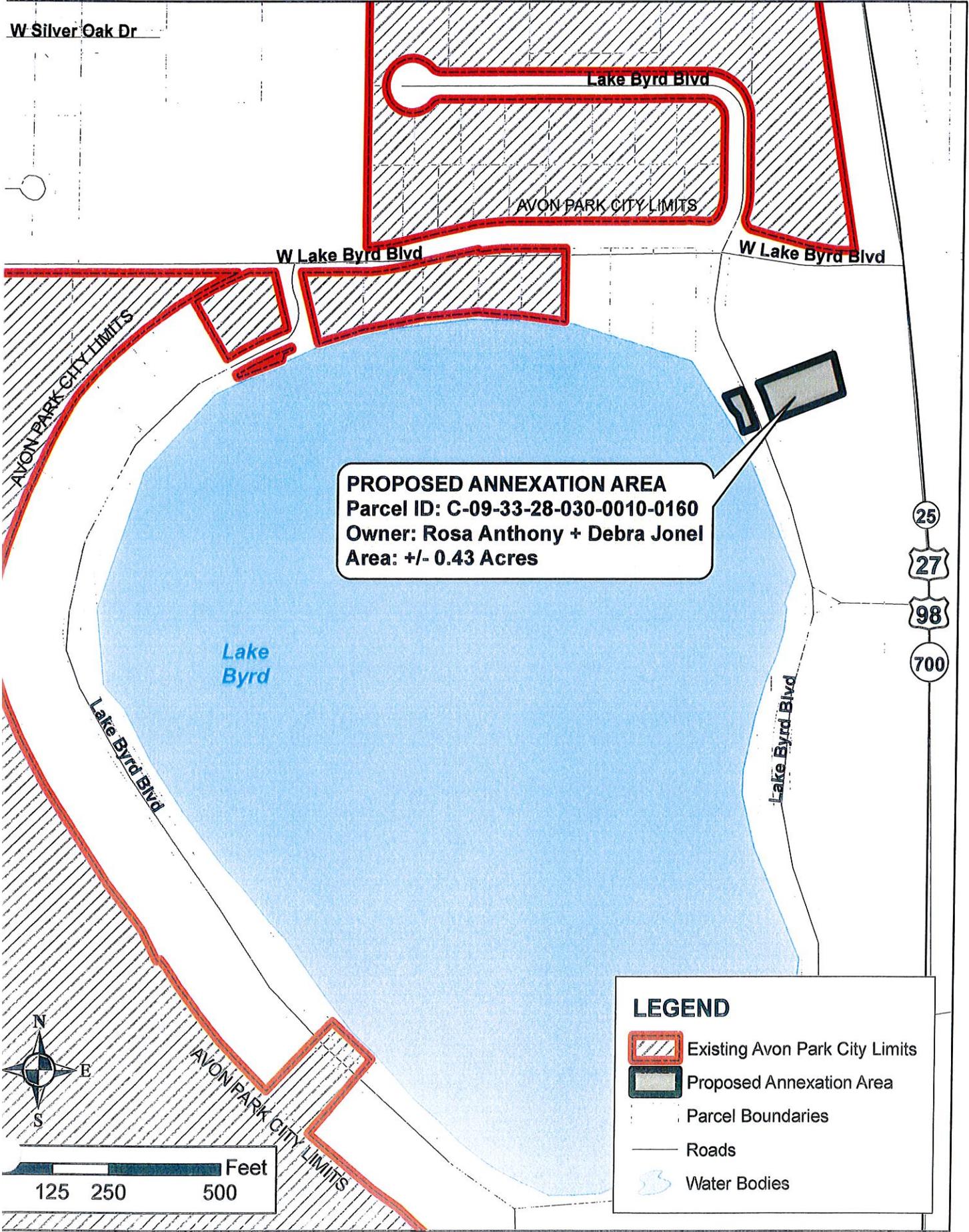
ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 1-15



PROPOSED ANNEXATION AREA
Parcel ID: C-09-33-28-030-0010-0160
Owner: Rosa Anthony + Debra Jonel
Area: +/- 0.43 Acres

LEGEND

- Existing Avon Park City Limits
- Proposed Annexation Area
- Parcel Boundaries
- Roads
- Water Bodies

North Arrow

Scale: 125 250 500 Feet

EXHIBIT-B



ABOUT HCPAO MEET YOUR APPRAISER SEARCH PROPERTY RECORDS

PREVIOUS ACCOUNT
 NEXT ACCOUNT
C-09-33-28-030-0010-0160
40 County Southwest Water

- VIEW MAP
- VALUE SUMMARY
- SALES HISTORY
- BUILDINGS
- LAND LINES
- EXTRA FEATURES
- QUERY LIST

Owners

Name 1 : ROSA ANTHONY L + DEBRA JONEL
 Name 2 :

SITE ADDRESS

30 LAKE BYRD BLVD
 AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : 523 BAYSIDE WAY
 Addr 2 :
 City : NOKOMIS
 State : FL
 Country:
 Zip : 34275

Legal Description

2ND RESUB LAKEWOOD VILLA
 PB 4-PG 21
 LOT 16 + SLY 27 FT M/L OF
 LOT 17 ALONG RD BLK 1

[VIEW GIS MAP](#)

DOR Code : 01
[CLICK FOR CODE DESCRIPTION](#)

Neighborhood Code: 3021.00
 LAKE BYRD

Map Id : 22C
[CLICK TO DOWNLOAD](#)
 *Map is in PDF format and file size is large

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

Please note that property values on this site are continuously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$95,250	Total Assessed Value	\$168,752
Total OB/XF Value	\$19,502	Total Exemptions	\$0
Total Land Value	\$54,000	Total Taxable Value	\$168,752
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$168,752		

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Prepared by C.B. Shirey

City of Avon Park
110 E. Main St.
Avon Park, FL 33825

EXHIBIT-C

DECLARATIONS OF COVENANTS

Anthony Rosa, herein called "Declarant", is the owner in fee
(Print Name)

of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows: (Insert Street Address and Legal Description)

2nd Resub Lakewood Villa
PB 4 - PG 21
Lot 16 + 514 27 ft m/L of
Lot 17 Along rd. Block 1

For good and valuable consideration, and in exchange for the right for the Property to receive Water & NA service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 23 day of Sept., 2005.

Declarant: Anthony Rosa [Signature]
(Print Name) (Signature)

STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared A. ROSA, personally known or who produced identification Driver's Lic. to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that (he or she) executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 23 day of Sept., 2005.

[Signature]
Notary Public, State of Florida

(affix stamp or seal)

Filing Fee: \$11.00 - 1st Page
\$8.50 - Additional Page



FILE# 1349357 RCD: Sep 29 2005 @ 10:02 AM
L.E. "Luke" Brooker Clerk of Courts Highlands Co

E-13

ORDINANCE 02-15

AN ORDINANCE TO ANNEX APPROXIMATELY 0.35 ACRES OF LAND OWNED BY TITUS CHARLES E + JUDITH L, LOCATED AT 28 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, TITUS CHARLES E + JUDITH L, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by Cuomo, John D., attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 day of JANUARY, 2015

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 2-15

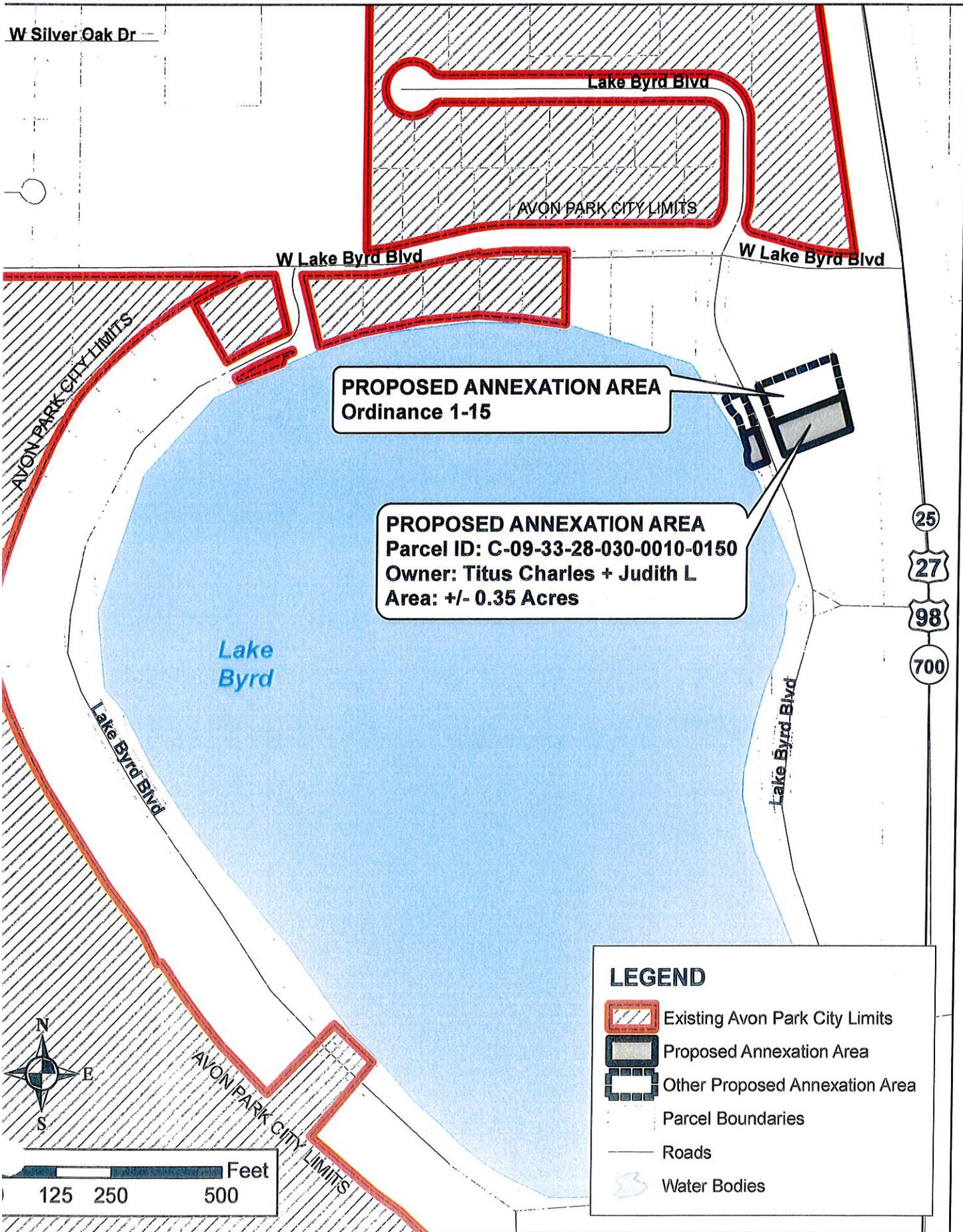




EXHIBIT-B

PREVIOUS ACCOUNT NEXT ACCOUNT
C-09-33-28-030-0010-0150
40 County Southwest Water

- VIEW MAP
- VALUE SUMMARY
- SALES HISTORY
- BUILDINGS
- LAND LINES
- EXTRA FEATURES
- QUERY LIST

Owners
 Name 1 : **TITUS CHARLES E + JUDITH L**
 Name 2 :

SITE ADDRESS
 28 LAKE BYRD BLVD
 AVON PARK , FL 33825

MAILING ADDRESS
 Addr 1 : **5512 N CARLIN SPRING RD**
 Addr 2 :
 City : **ARLINGTON**
 State : **VA**
 Country:
 Zip : **22203**

Legal Description
 2ND RESUB LAKEWOOD VILLA
 PB 4-PG 21
 LOT 15 BLK 1

[VIEW GIS MAP](#)

DOR Code : 07
[CLICK FOR CODE DESCRIPTION](#)

Neighborhood Code: 3021.00
 LAKE BYRD

Map Id : 22C
[CLICK TO DOWNLOAD](#)
 *Map is in PDF format and file size is large

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

Please note that property values on this site are continuously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$0	Total Assessed Value	\$50,071
Total OB/XF Value	\$5,071	Total Exemptions	\$0
Total Land Value	\$45,000	Total Taxable Value	\$50,071
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$50,071		

R
10.00
CD



EXHIBIT-C

→ Prepared by C.B. Shirey
City of Avon Park
110 E. Main St.
Avon Park, FL 33825

RETURN TO

DECLARATIONS OF COVENANTS

John V. Cuomo, herein called "Declarant", is the owner in fee
(Print Name)

of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows: (Insert Street Address and Legal Description) 2nd Resub Lakewood Villa
PB4-PB21
Lot 15 B1K1

For good and valuable consideration, and in exchange for the right for the Property to receive Water & NA service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 18 day of Oct, 2005.

Declarant: John V. Cuomo (Print Name) [Signature] (Signature)

STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared John V. Cuomo, personally known or who produced identification driver's license (FL) to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that (he or she) executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 18th day of OCTOBER, 2005.

[Signature]
Notary Public, State of Florida (affix stamp or seal)



Filing Fee: \$11.00 - 1st Page
\$8.50 - Additional Page

FILED 1355381 RCD: Oct 27 2005 @ 2:16 PM
L.E. "Luke" Brooker Clerk of Courts Highlands Co

E-14

ORDINANCE 03-15

AN ORDINANCE TO ANNEX APPROXIMATELY 0.75 ACRES OF LAND OWNED BY ADAMS FREDERICK M + SALLY M TRUSTEES, LOCATED AT 20 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, ADAMS FREDERICK M + SALLY M TRUSTEES, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by ADAMS FREDERICK M + SALLY M, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 **day of** JANUARY, 2015

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

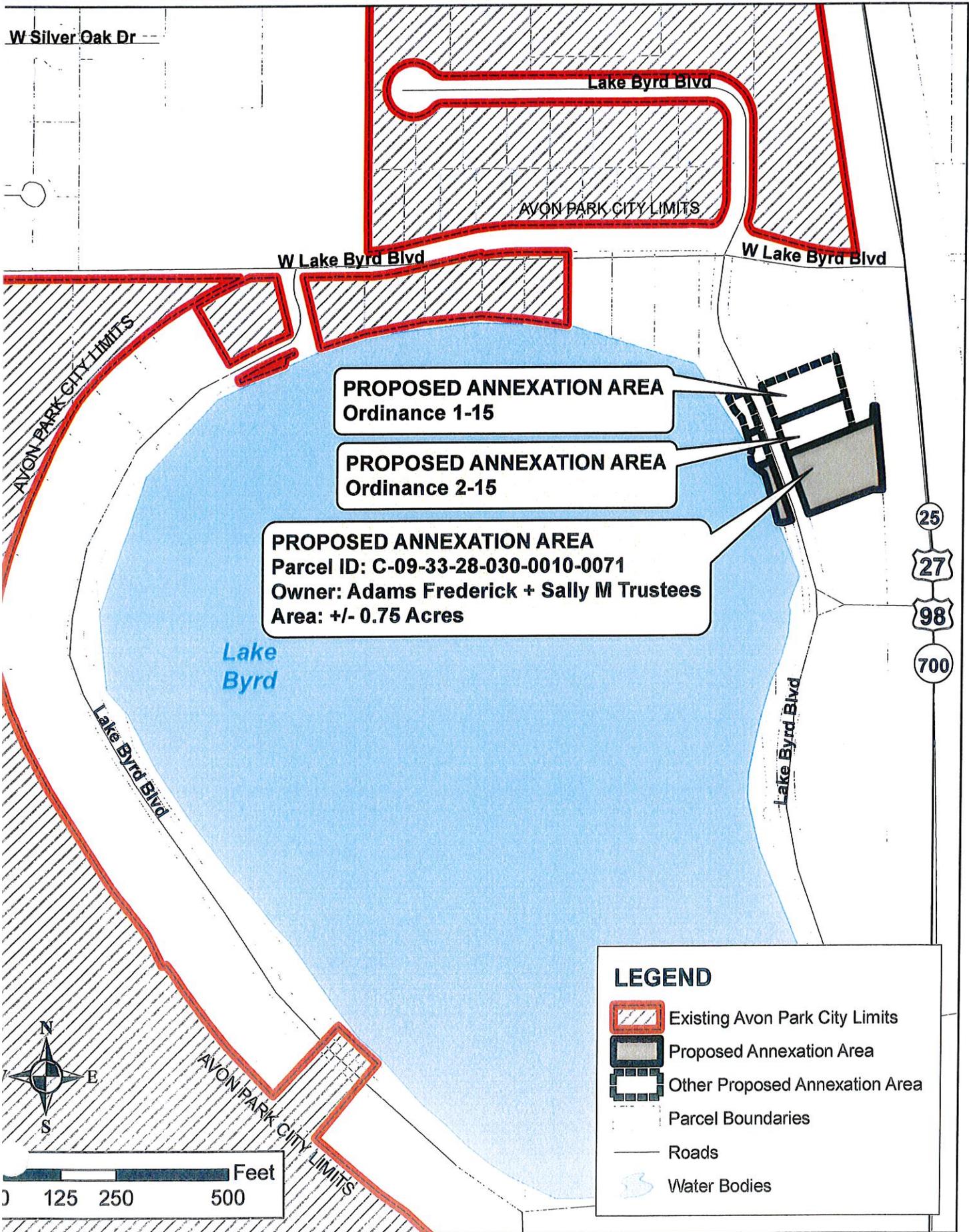
ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 3-15



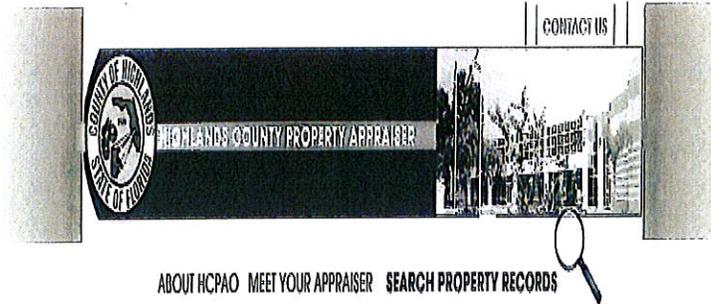


EXHIBIT-B

PREVIOUS ACCOUNT

NEXT ACCOUNT

C-09-33-28-030-0010-0071
40 County Southwest Water

- VIEW MAP
- VALUE SUMMARY
- SALES HISTORY
- BUILDINGS
- LAND LINES
- EXTRA FEATURES
- QUERY LIST

Owners

Name 1 : 20 LAKE BYRD BLVD FL LAND TRUST
 Name 2 : ADAMS FREDERICK M + SALLY M TRUSTEES

SITE ADDRESS

20 LAKE BYRD BLVD
 AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : P O BOX 403
 Addr 2 :
 City : DEEP RIVER ONTARIO
 State :
 Country: CANADA
 Zip : K0J 1P0

Legal Description

2ND RESUB LAKEWOOD VILLA
 PB 4-PG 21
 N 34.24 FT OF LOT 7-LESS
 HWY 27 R/W + LOTS 13-14
 BLK 1 + CONTIG LAND
 BETWEEN SUB + LAKE +
 LAKEWOOD VILLA + ADDS
 PB 1 PG 6
 LOTS 269-270 + 271 IN SEC
 9-33-28-LESS US 27 R/W

DOR Code : 01

[CLICK FOR CODE DESCRIPTION](#)

Neighborhood Code: 3021.00
 LAKE BYRD

[VIEW GIS MAP](#)

Map Id : 22C

[CLICK TO DOWNLOAD](#)

*Map is in PDF format and file size is large

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

Please note that property values on this site are continuously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

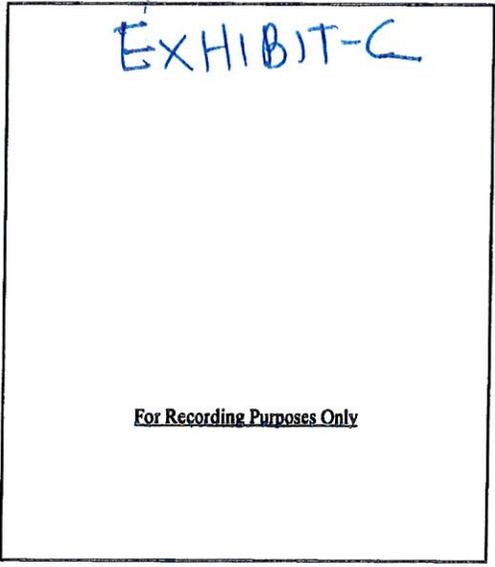
Total Building Value	\$89,760	Total Assessed Value	\$187,392
Total OB/XF Value	\$18,032	Total Exemptions	\$0
Total Land Value	\$79,600	Total Taxable Value	\$187,392
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$187,392		

SALES HISTORY

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

Utility Billing Department
Savitri Latchmansingh
City of Avon Park, Florida
110 East Main Street
Avon Park, FL 33825
(863) 452-4403

JB
18.50
AIR



AGREEMENT TO ANNEX PROPERTY

This Agreement is executed on this 29 day of January, 2014, by Sally + Fred Adams
and _____, whose address is 20 Lake Byrd Blvd
_____, and his /her successors and assigns heirs and personal representatives (hereinafter
collectively referred to as "Owner"), for and in favor of the City of Avon Park whose business
address is 110 East Main, Avon Park, Florida 33825, and its successors and assigns (hereinafter
referred to as "City").

WITNESSETH

Owner, for and in consideration of the receipt of utility service, and other good and valuable
consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby agree and
covenant to annex the property described below ("Property"), into the boundaries of the City.

<u>SITE ADDRESS</u>	<u>Legal Description</u>	<u>HWY 27 RAW + LOTS 13-14</u>	<u>PB 1 PG 6</u>
20 LAKE BYRD BLVD AVON PARK, FL 33825	2ND RESUB LAKEWOOD VILLA PB 4-PG 21 N 34.24 FT OF LOT 7-LESS	BLK 1 + CONTIG LAND BETWEEN SUB + LAKE + LAKEWOOD VILLA + ADDS	LOTS 269-270 + 271 IN SEC 9-33-28-LESS US 27 RAW

Owner petitions to voluntarily annex the Property when annexation of the Property is deemed lawful
by the City in its sole discretion. The City would not otherwise provide utility service to the Owner
but for the expectation that the Property would be annexed when it deems such annexation is lawful.
Owner, and any successors, assigns by way of sale of the whole Property, parcels of property, sale of
lots through subdivision or any other portion of the Property, all agree to voluntarily allow
annexation by the City, and shall execute any documents necessary to accomplish that annexation
into the City, and shall in no way hinder or delay such annexation. Owner understands that this
Agreement is perpetual, and is not revocable, and binds the Owner, his/her successors, assigns, heirs
and personal representatives. It is expressly understood and agreed that the terms, covenants, and
conditions of this Agreement shall be and constitute covenants running with and binding on the
property described below including any lots or parcels resulting from subdividing, and shall
constitute an obligation on any such individual subdivided lots or parcels, regardless of title or
ownership and regardless of any other future changes in ownership or characteristics that may take
place.

Owner agrees that if Owner breaches this Agreement, the City's loss of potential future taxes from Owner's project and future annexations based from Owner's parcel would be substantial, and agrees that the City would be entitled to damages for such losses, along with all legal and equitable remedies available under the law, as well as all attorney fees and costs, including without limitation paralegals and expert witnesses, and including appellate attorney fees and costs.

Signed, sealed and delivered before these witnesses:

Mankita English
(Signed)

MANKITA ENGLISH
(Printed)

Shadleigh
(Signed)

Savitri Latchmansingh
(Printed)

OWNER:
Sally Adams

By: SALLY ADAMS

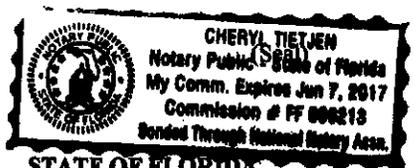
OWNER:
Fred M Adams

By: FRED M. ADAMS

STATE OF FLORIDA
COUNTY OF HIGHLANDS

I HEREBY CERTIFY that on this 29 day of January 2014, before me, an officer duly qualified to take acknowledgments, personally appeared Sally + Fred Adams is known to me know or who produced DL A352-253-38-283-0 as identification and who executed the foregoing instrument and acknowledged before me that he executed the same DL A352-793-39-840-0

WITNESSETH my hand and official seal in the state and county named above.



Notary Public, State of Florida

Signature: Cheryl Tietjen
Printed name: CHERYL TIETJEN
Commission No. _____ My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF HIGHLANDS

I HEREBY CERTIFY that on this _____ day of _____, 20____, before me, an officer duly qualified to take acknowledgments, personally appeared _____ He is known to me know or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESSETH my hand and official seal in the state and county named above.

Notary Public, State of Florida

(Seal)

Signature: _____
Printed name: _____
Commission No. _____ My Commission Expires: _____

E-15

ORDINANCE 04-15

AN ORDINANCE TO ANNEX APPROXIMATELY 0.87 ACRES OF LAND OWNED BY LIM CARMELITA B + ABRAHAM N TRS, LOCATED AT 17 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, LIM CARMELITA B + ABRAHAM N TRS, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by LIM CARMELITA B + ABRAHAM N TRS, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 day of JANUARY, 2015

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 4-15

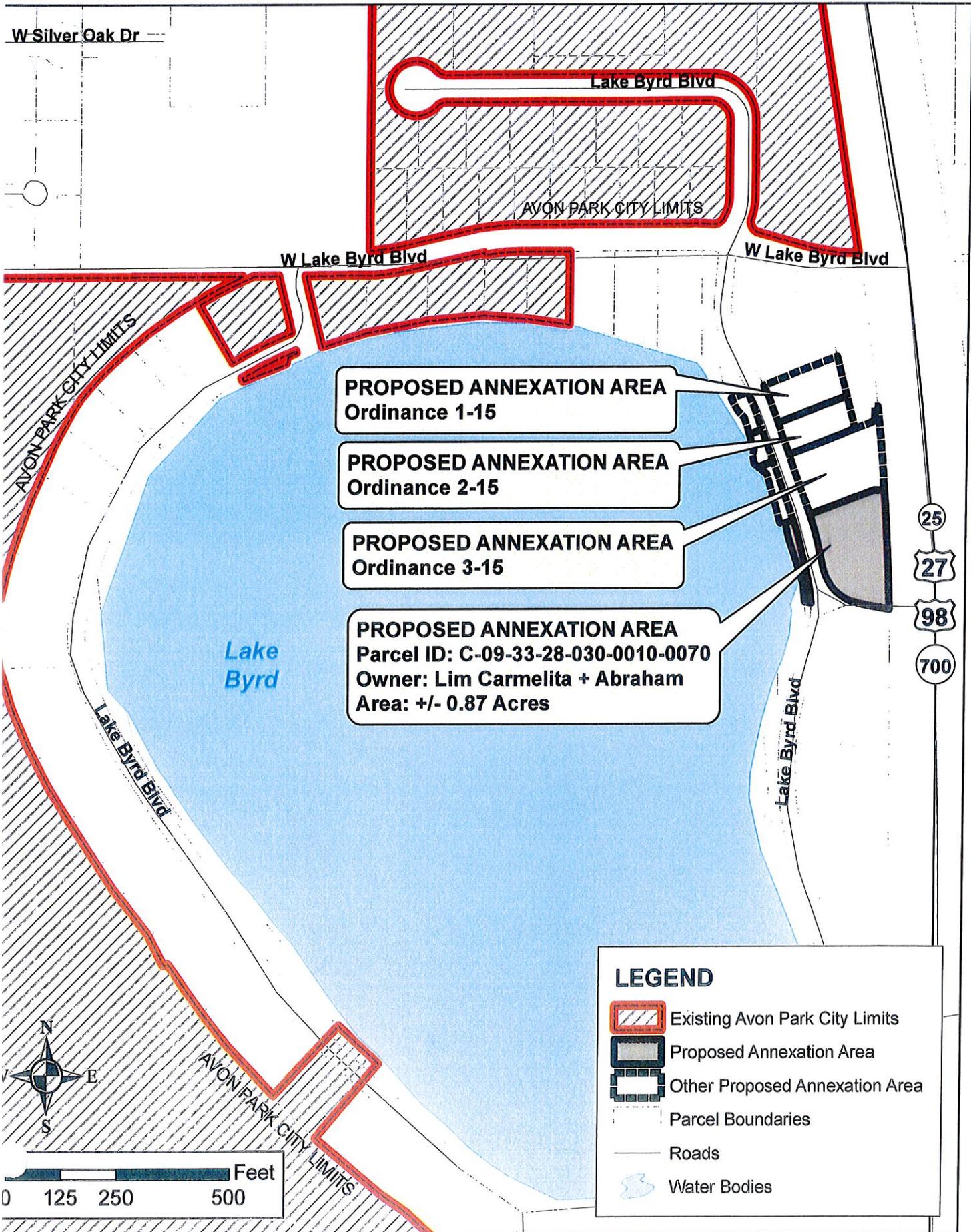




EXHIBIT-B

PREVIOUS ACCOUNT

NEXT ACCOUNT

C-09-33-28-030-0010-0070
40 County Southwest Water

- VIEW MAP
- VALUE SUMMARY
- SALES HISTORY
- BUILDINGS
- LAND LINES
- EXTRA FEATURES
- QUERY LIST

Owners

Name 1 : LIM CARMELITA B + ABRAHAM N TRS
 Name 2 :

SITE ADDRESS

17 LAKE BYRD BLVD
 AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : 17 LAKE BYRD BLVD
 Addr 2 :
 City : AVON PARK
 State : FL
 Country :
 Zip : 33825

Legal Description

2ND RESUB LAKEWOOD VILLA
 PB 4-PG 21
 LOT 7-LESS N 34.24 FT +
 LOTS 8 THRU 12-LESS HWY 27
 R/W BLK 1

DOR Code : 01
 CLICK FOR CODE DESCRIPTION

[VIEW GIS MAP](#)

Neighborhood Code: 3021.00
 LAKE BYRD

Map Id : 22C
[CLICK TO DOWNLOAD](#)
 *Map is in PDF format and file size is large

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

Please note that property values on this site are continously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$195,581	Total Assessed Value	\$329,827
Total OB/XF Value	\$43,433	Total Exemptions	\$50,000
Total Land Value	\$95,000	Total Taxable Value	\$279,827
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$334,014		

SALES HISTORY

EXHIBIT-C

AR 600

** OFFICIAL RECORDS **
BK 1574 PG 1175

FILE # 1121074 RCD: Nov 07 2001 @ 02:18PM
L. E. "Luke" Brooker, Clerk, Highlands County

Prepared by C.B. Shirey
City of Avon Park
110 E. Main St.
Avon Park, FL 33825

DECLARATIONS OF COVENANTS

ABRAHAM LIM, herein called "Declarant", is the owner in fee
(Print Name)

of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows: (Insert Street Address and Legal Description)

C-09-33-28-030-0010-0070

2nd Resub Lakewood Villa
PB 4-P621
Lot 7-Less N 34.24 Ft +
Lots 8 thru 12 Less Hwy 27
R/W BK 1

For good and valuable consideration, and in exchange for the right for the Property to receive Water & _____ service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 30th day of October, 2001.

Declarant: ABRAHAM LIM Abraham Lim
(Print Name) (Signature)

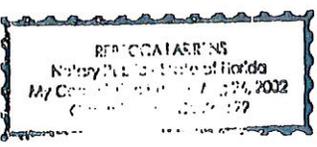
STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared Abraham Lim, personally known or who produced identification personally known to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he (he or she) executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 30th day of October, 2001

Rebecca Jensen
Notary Public, State of Florida

(affix stamp or seal)



Filing Fee \$7.00 - 1st Page
\$4.50 - Additional Page

E-16

ORDINANCE 05-15

AN ORDINANCE TO ANNEX APPROXIMATELY 1.35 ACRES OF LAND OWNED BY METCALFE CHARLES G JR ET AL, LOCATED AT 15 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, METCALFE CHARLES G JR ET AL, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by GROSS, CYNTHIA M, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 **day of** JANUARY, 2015

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 5-15

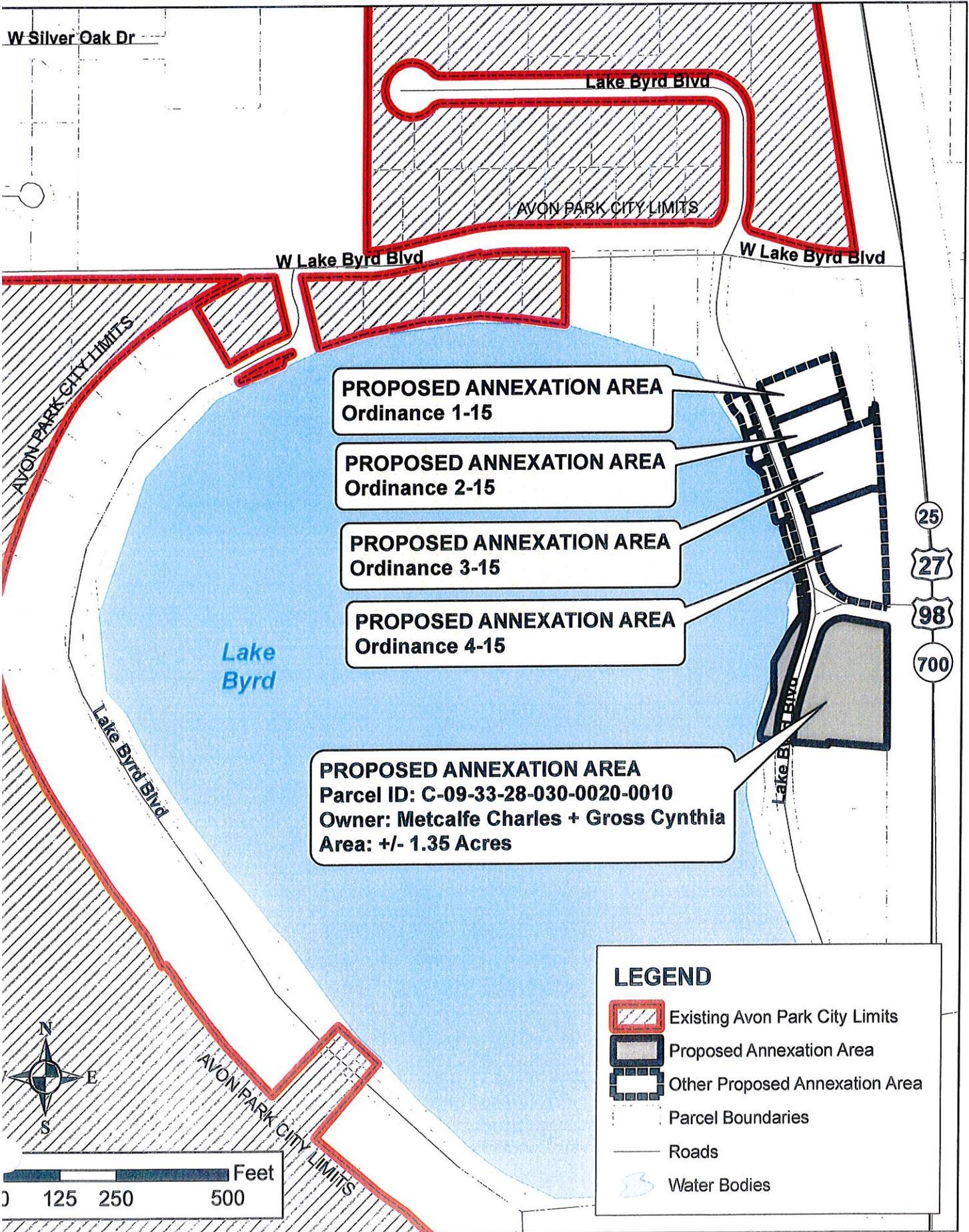




EXHIBIT-B

ABOUT HCPAO MEET YOUR APPRAISER SEARCH PROPERTY RECORDS

PREVIOUS ACCOUNT NEXT ACCOUNT
C-09-33-28-030-0020-0010
40 County Southwest Water

VIEW MAP
VALUE SUMMARY
SALES HISTORY
BUILDINGS
LAND LINES
EXTRA FEATURES
QUERY LIST

Owners

Name 1 :METCALFE CHARLES G JR ET AL +
 Name 2 :GROSS CYNTHIA M

SITE ADDRESS

15 LAKE BYRD BLVD
 AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : 13 LAKE BYRD BLVD
 Addr 2 :
 City : AVON PARK
 State : FL
 Country:
 Zip : 33825

Legal Description

2ND RESUB LAKEWOOD VILLA
 PB 4-PG 21
 LOTS 1 + 2-LESS A 6.5 X 135 FT
 STRIP IN SELY COR LOT 2 +
 LESS US 27 RD BLK 2

DOR Code : 01
 CLICK FOR CODE DESCRIPTION

VIEW GIS MAP

Neighborhood Code: 3021.00
 LAKE BYRD

Map Id : 22C
CLICK TO DOWNLOAD
 *Map is in PDF format and file size is large

TAX COLLECTOR WEB SITE FOR THIS PARCEL.

Please note that property values on this site are continuously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$53,422	Total Assessed Value	\$226,798
Total OB/XF Value	\$5,511	Total Exemptions	\$0
Total Land Value	\$167,865	Total Taxable Value	\$226,798
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$226,798		

MB
10.00
A/R

Prepared by C.B. Shirey
City of Avon Park
110 E. Main St.
Avon Park, FL 33825



DECLARATIONS OF COVENANTS

EXHIBIT-C

Cynthia Metcalf Gross, herein called "Declarant", is the owner in fee
(Print Name)

of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows: (Insert Street Address and Legal Description)

15 Lake Beryl Blvd.

Legal Description
2ND RESUB LAKEWOOD VILLA
PB 4-PG 21
LOTS 1 + 2-LESS US 27 RD
RAW BLK 2

For good and valuable consideration, and in exchange for the right for the Property to receive Water & _____ service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 31st day of MARCH, 2008.

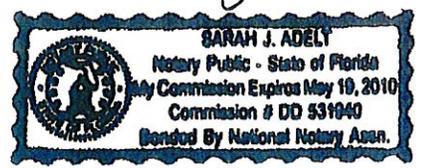
Declarant: Cynthia Metcalf Gross (Cynthia Metcalf Gross)
(Print Name) (Signature)

STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared Cynthia M. Gross, personally known or who produced identification FLORIDA'S ID CARD to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that (he or she) executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 31st day of MARCH, 2008.

Sarah J. Adelt
Notary Public, State of Florida (affix stamp or seal)



Filing Fee: \$11.00 - 1st Page
\$8.50 - Additional Page

ORDINANCE 06-15

AN ORDINANCE TO ANNEX APPROXIMATELY 0.80 ACRES OF LAND OWNED BY GROSS JOHN H JR + CYNTHIA, LOCATED AT 13 LAKE BYRD BLVD, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, GROSS JOHN H JR + CYNTHIA, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by GROSS JOHN H JR, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 **day of** JANUARY, 2015

**PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.**

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 6-15

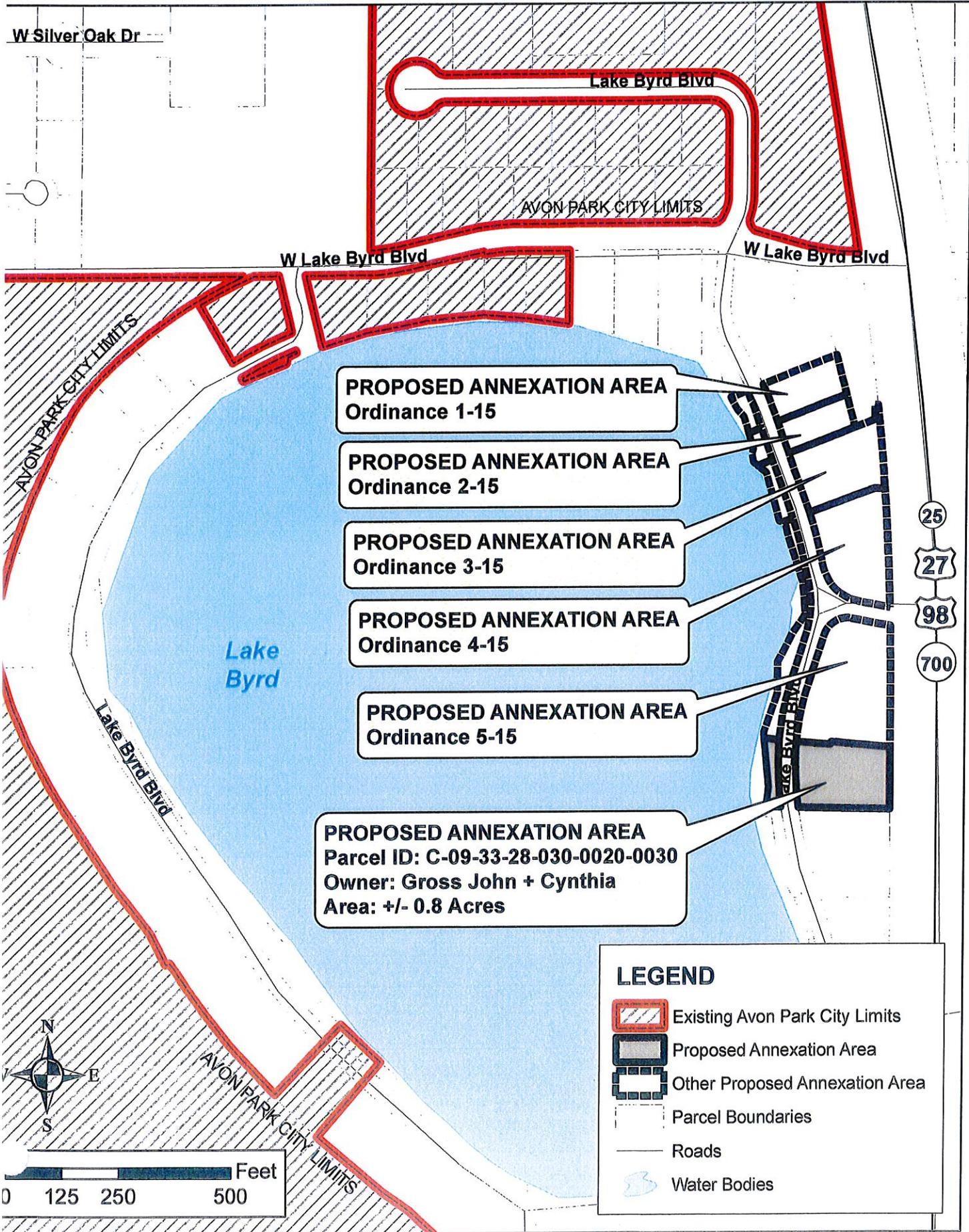




EXHIBIT-B

ABOUT HCPAO MEET YOUR APPRAISER SEARCH PROPERTY RECORDS

PREVIOUS ACCOUNT

NEXT ACCOUNT

C-09-33-28-030-0020-0030
40 County Southwest Water

VIEW MAP
 VALUE SUMMARY
 SALES HISTORY
 BUILDINGS
 LAND LINES
 EXTRA FEATURES
 QUERY LIST

Owners

Name 1 : **GROSS JOHN H JR + CYNTHIA**
Name 2 :

SITE ADDRESS

13 LAKE BYRD BLVD
AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : **13 LAKE BYRD BLVD**
Addr 2 :
City : **AVON PARK**
State : **FL**
Country:
Zip : **33825**

Legal Description

2ND RESUB LAKEWOOD VILLA
PB 4 - PG 21
A 6.5 X 135 FT M/L STRIP OF
LOT 2 IN SELY COR +
LTS 3 + 4 -LESS S 10 FT OF LOT 4
-LESS US 27 RD BLK 2

DOR Code : 01
[CLICK FOR CODE DESCRIPTION](#)

[VIEW GIS MAP](#)

Neighborhood Code: 3021.00
LAKE BYRD

Map Id : 22C
[CLICK TO DOWNLOAD](#)
*Map is in PDF format and file size is large

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

Please note that property values on this site are continously being updated and are a work in progress throughout the year. The final values are certified in October of each year.

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$64,395	Total Assessed Value	\$144,739
Total OB/XF Value	\$11,865	Total Exemptions	\$50,000
Total Land Value	\$85,500	Total Taxable Value	\$94,739
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$161,760		

EXHIBIT-C

AR 600

** OFFICIAL RECORDS **

BK 1558 PG 1954

FILE # 1109345 RCD: Jul 30 2001 @ 10:39AM

L. E. "Luke" Brooker, Clerk, Highlands County

Prepared by C.B. Shirey

City of Avon Park

200 E. Main St

Avon Park, FL 33825



DECLARATIONS OF COVENANTS

John H Gross, herein called "Declarant", is the owner in fee
(Print Name)

of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows: (Insert Street Address and Legal Description) 13 Lake Byrd Blvd Avon Park 33825

NE 1/4 of SE 1/4 of Section 9 Township 33 S Range 28 E
Highlands County Lakewood Villa Lots 3+4 Block 2

For good and valuable consideration, and in exchange for the right for the Property to receive Water & no other service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 26th day of July, 2001.

Declarant: John H Gross
(Print Name)

John H Gross
(Signature)

STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared John H Gross, personally known or who produced identification _____ to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ (he) or she executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 26th day of July, 2001

Diana R Mensely
Notary Public, State of Florida

(affix stamp or seal)



Filing Fee \$7.00 - 1st Page
\$4.50 - Additional Page

E-18

ORDINANCE 07-15

AN ORDINANCE TO ANNEX APPROXIMATELY 8.72 ACRES OF LAND OWNED BY ESPERER LLC, LOCATED AT 2501 US 27 N, INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, **ESPERER LLC**, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by **ESPERER LLC**, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the 12 **day of** JANUARY, 2015

**PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
AVON PARK, FLORIDA ON THE _____ DAY OF _____, 2014.**

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

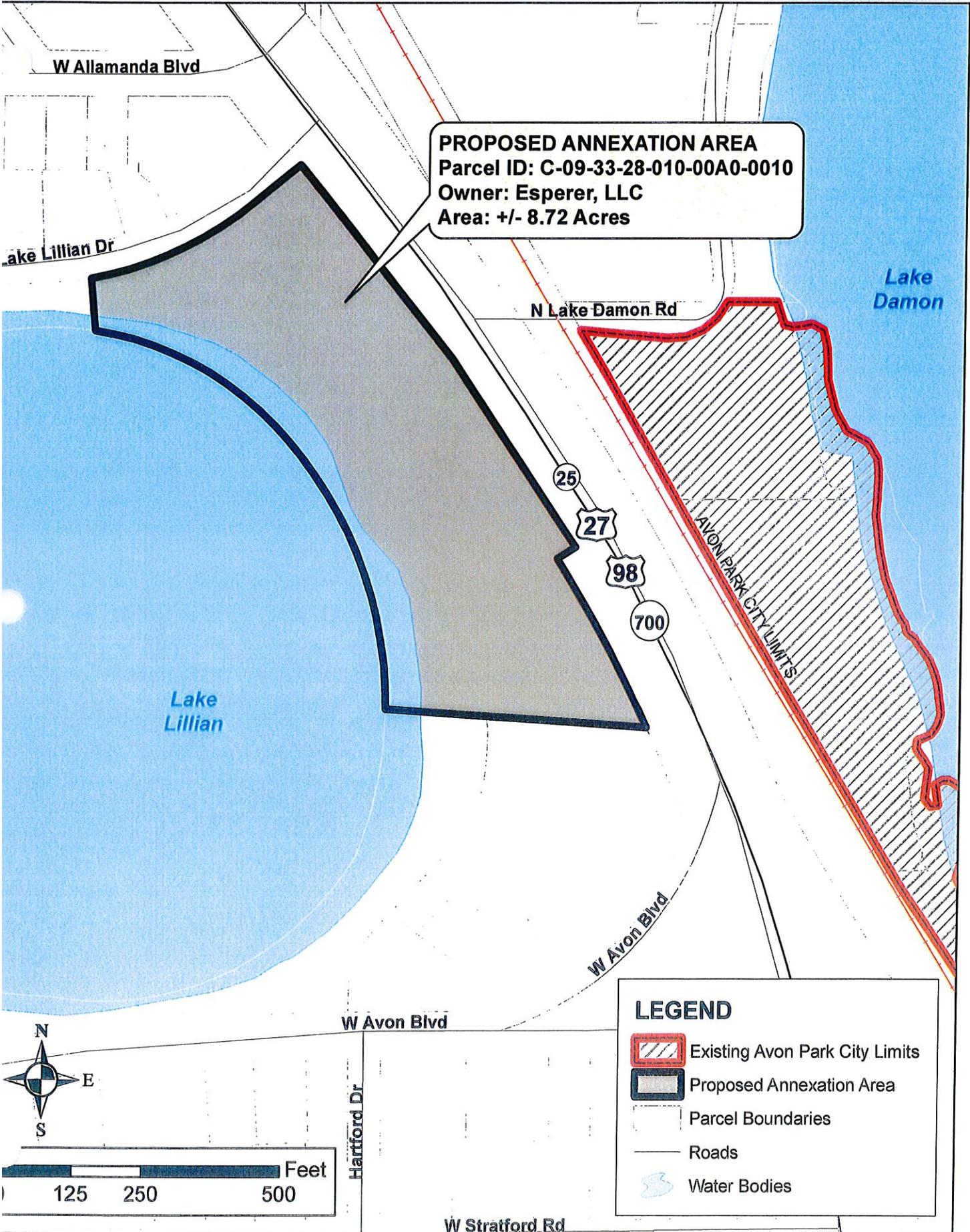
ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 07-15



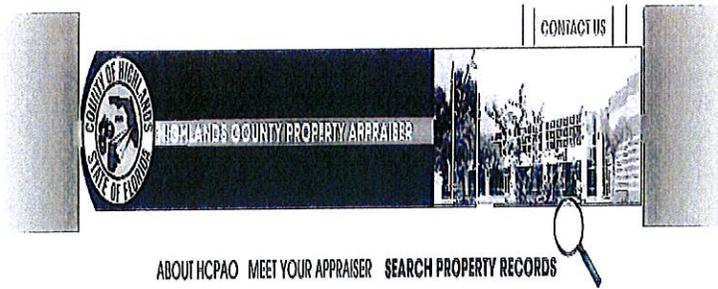


EXHIBIT-B

PREVIOUS ACCOUNT

NEXT ACCOUNT

C-09-33-28-010-00A0-0010
40 County Southwest Water

VIEW MAP
 VALUE SUMMARY
 SALES HISTORY
 BUILDINGS
 LAND LINES
 EXTRA FEATURES
 QUERY LIST

Owners

Name 1 : **ESPERER LLC**
 Name 2 :

SITE ADDRESS

2501 US 27 N
 AVON PARK , FL 33825

MAILING ADDRESS

Addr 1 : **P O BOX 460**
 Addr 2 :
 City : **BROOKMEAL**
 State : **VA**
 Country:
 Zip : **24528-0460**

Legal Description

UNIT NO 1 LAKE LILLIAN
 PB 2-PG 77
 ALL BLK A + NLY PORT BLK B
 E OF LAKE + BLK 65 + LOTS
 5 TO 10 + NLY PORT LOTS 11
 + 27 + ALL LOTS 28 TO 30
 BLK 77 + CONTIG
 CLSD RD + ALLEY
 ALL LESS US 27 R/W
 8.72 ACRES

DOR Code : 10

CLICK FOR CODE DESCRIPTION

Neighborhood Code: 5130.00
 US 27 COUNTY LINE TO LK GLENADA

VIEW GIS MAP

Map Id : 22B

CLICK TO DOWNLOAD

*Map is in PDF format and file size is large

TAX COLLECTOR WEB SITE
 FOR THIS PARCEL.

Please note that property values on this site are continuously being updated and are a work in progress throughout the year. The final values are certified in October of each year

VALUE SUMMARY

TAXABLE VALUE SUMMARY

Total Building Value	\$0	Total Assessed Value	\$741,200
Total OB/XF Value	\$0	Total Exemptions	\$0
Total Land Value	\$741,200	Total Taxable Value	\$741,200
Total Land Value - Agri.	\$0	Please note that property values in this office are being updated throughout the year. The final values are certified in October.	
Income	NA		
Total Classified Use Value	\$0		
Total Just Value	\$741,200		

SALES HISTORY

Off. Record	Date		Type	Qualified or Unqualified	Vacant or Improved	Reason Code	Sales Price	
Book	Page	Month	Year	Inst				
2314	1825	02	2012	CT	Unqualified	Vacant	11	\$100

AGREEMENT

EXHIBIT-C

THIS AGREEMENT is made and entered into this 17 day of Dec 2014 by and between ESPERER LLC, whose business address is P O BOX 460, BROOKMEAL, VA 24528-0460, and its successors and assigns (hereinafter referred to as "Owner"), and the City of Avon Park, a municipal corporation whose business address is 110 East Main Street, Avon Park, Florida 33825, and its successors and assigns (hereinafter referred to as "City").

PURPOSE & INTENT

1. Owner is desirous of developing Owner's property ("Property" description attached as Exhibit "A") someday in the future, and obtaining water service from the City when the Property is developed.
2. City is willing to provide such water and wastewater service in the manner described herein, but in exchange requires that the annexation of the Property be performed as soon as legally possible.

OWNER and CITY therefore agree as follows:

PURPOSE & INTENT AND EXHIBITS PART OF AGREEMENT

The above recitations are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement and statements therein are hereby deemed a part of this Agreement.

1. Agreements between the Parties as to Annexation. Owner irrevocably agrees to voluntarily annex the Property within the City. City agrees to annex the Property.
2. Agreements as to Extension of Water Service.
 - a. The City agrees to install 8" water main as illustrated in Exhibit-B, as permitted by Pickett Engineering.
3. Commencement of City Duties. The City's obligation to perform its duties after the permits have been obtained.
4. Purchase of Easement and Existing Lift Station. To facilitate water and sewer construction, the City purchases 15 ft utility easement along the property frontage on US-27, and 10 ft easement on Lake Lillian Road, along with the existing Lift Station turned over to the City for a total amount of \$2,000.
5. Zoning. The City has reviewed the existing Zoning and agrees that a Dollar General Retail Store is an approved land use.
6. Site Plan Review. The City waives the site plan review fee, and agrees to start the review process with Dollar General and Pickett Engineering prior to the annexation.

7. Laws of Florida to Govern / Venue. This Agreement shall be governed by the laws of the State of Florida, and the proper venue shall be state court in Highlands County, Florida, and the parties agree to waive any right to jury trial.

8. Waiver: Remedies. No failure or delay on the part of either party in exercising any right, power or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party of any right, power, or privilege hereunder operate as a waiver of any other right, power, or privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power, or privilege hereunder.

9. Document is the Result of Mutual Draftsmanship The terms and conditions in this Agreement are the product of mutual draftsmanship by both parties, each being represented by counsel, and any ambiguities in this Agreement or any documentation prepared pursuant to it shall not be construed against any of the parties because of authorship. The parties acknowledge that all the terms of this Agreement were negotiated at arms' length, and that each party, being represented by counsel, is acting to protect its, his, her, or their own interest.

10. Prior Agreements; Amendments. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between DEVELOPER and CITY, made with respect to the matters herein contained, and when duly executed constitutes the entire Agreement between DEVELOPER and CITY. No additions, alterations or variations of the terms of this Agreement shall be valid nor provisions of this Agreement be deemed waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed.

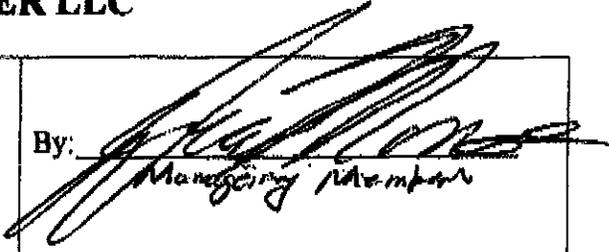
11. Conflict With Laws. In the event of a conflict between provisions in this Agreement and the provisions in any federal or state law, or any City ordinance, resolution, rules and regulations or code, the parties shall first attempt to read the provisions in reasonable harmony, and if no agreement can be reached, the provision of federal law, then state law, then City ordinance (Code), resolution, rules & regulations shall prevail over the provisions in the Agreement, in that order, however, the City shall pass no future ordinance that will invalidate this Agreement or eliminate the City's duties under this Agreement.

12. Agreement Recorded as Covenant on the Property. A copy of this Agreement shall be duly recorded in the county records by the City as a covenant binding the Owner of the Property and any subsequent purchasers of the Property, and the benefits and burdens of this Agreement shall become a covenant, running, touching, building and concerning the title to the Property, and all parts and parcels thereof.

13. Attorney Fees. In the event of any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover actual and reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the same be incurred in a pre-litigation negotiation, litigation at the trial level, or upon appeal.

IN WITNESS WHEREOF, OWNER and CITY have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

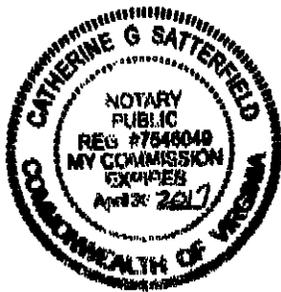
ESPERER LLC

Signed, sealed and delivered before these witnesses:	By:  Managing Member
(Signed)	
(Printed)	
(Signed)	
(Printed)	

**STATE OF FLORIDA
COUNTY OF HIGHLANDS**

SWORN TO AND SUBSCRIBED freely and voluntarily for the purposes therein expressed before me by Michael Monroe as the Manager of ESPERER LLC, a Virginia Co. and who executed the foregoing, this 18 day of April ~~December~~ 2014. She is personally known to me or has produced VADL (type of identification) as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 18 day of December 2014.



Notary Public: Catherine G. Satterfield
My Council Expires: April 30, 2017

CITY OF AVON PARK

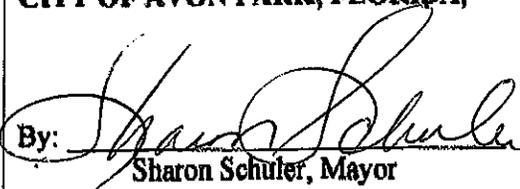
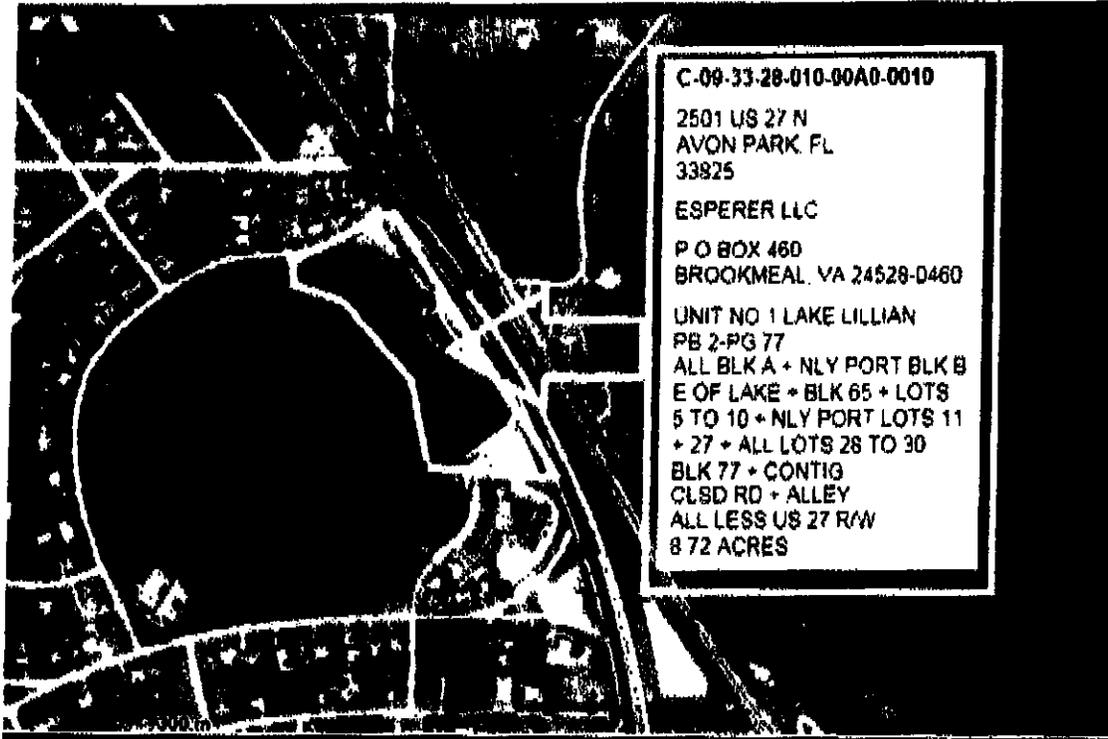
<p>[SEAL]</p> <p>ATTEST: _____ Maria Sutherland, City Clerk</p> <p>APPROVED AS TO FORM: _____ Gerald T. Buhr, City Attorney</p>	<p>CITY OF AVON PARK, FLORIDA,</p> <p>By:  Sharon Schuler, Mayor</p>
---	---

EXHIBIT A

DESCRIPTION OF OWNER'S PROPERTY TO BE ANNEXED



C-09-33-28-010-00A0-0010

2501 US 27 N
AVON PARK, FL
33825

ESPERER LLC

P O BOX 460
BROOKMEAL, VA 24528-0460

UNIT NO 1 LAKE LILLIAN

PB 2-PG 77

ALL BLK A + NLY PORT BLK B

E OF LAKE + BLK 65 + LOTS

5 TO 10 + NLY PORT LOTS 11

+ 27 + ALL LOTS 28 TO 30

BLK 77 + CONTIG

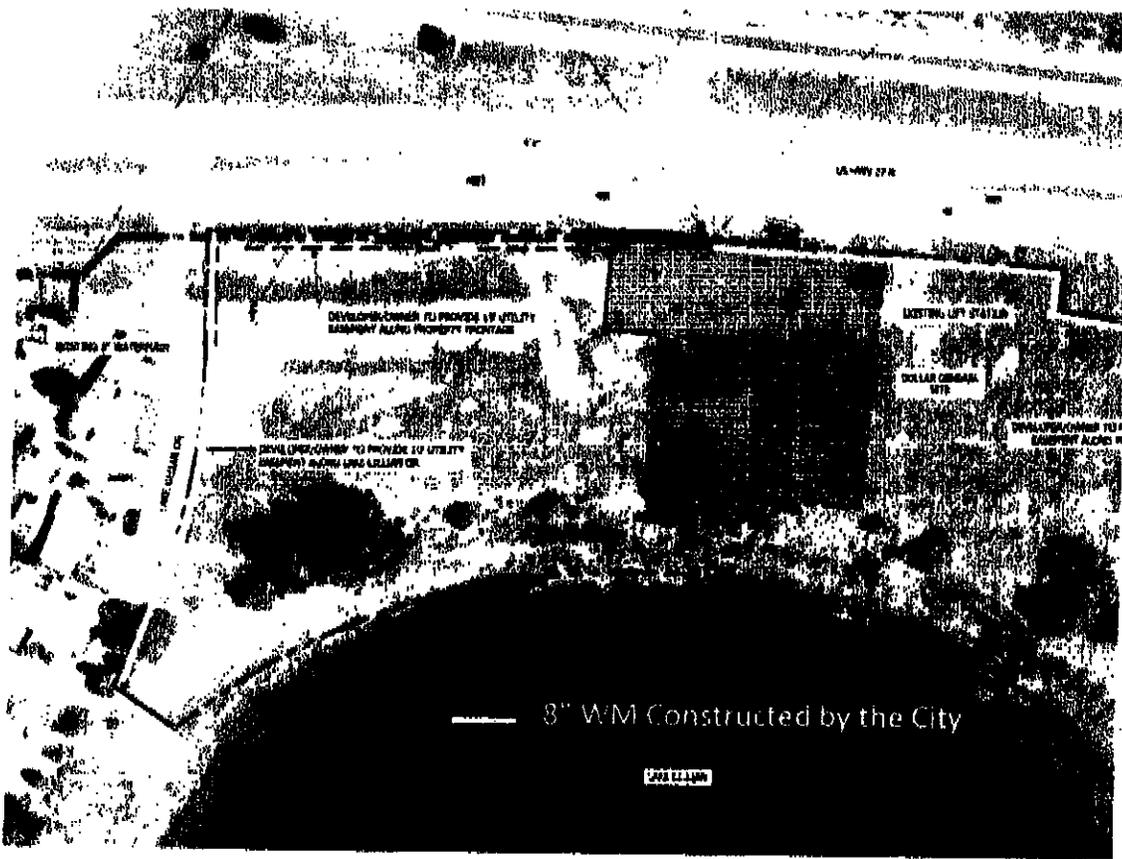
CLSD RD + ALLEY

ALL LESS US 27 R/W

8.72 ACRES

EXHIBIT-B

LOCATION AND ALIGNMENT OF PROPOSED WATER MAIN, and EASEMENT



E-19

ORDINANCE 13-15

AN ORDINANCE TO ANNEX APPROXIMATELY 6.6 ACRES OF LAND OWNED BY ESPERER LLC, LOCATED AT 2840 MARTEN RD, SEBRING, FL INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR FINDINGS OF APPROPRIATENESS OF THE ANNEXATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, BEN HILL GRIFFIN INC, is the owner as shown by the legal description attached hereto as Exhibit "B"; and

WHEREAS, the City of Avon Park, would like to incorporate the property, described in Exhibit "B" into the City limits of the City of Avon Park, Florida, as shown by the map, Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City has an Annexation Agreement signed by BEN HILL GRIFFIN INC, attached hereto and incorporated herein as Exhibit "C"; and

WHEREAS, the City of Avon Park, Florida, finds that the property is contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and,

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the citizens of the City of Avon Park, Florida, and those entitled to its services, that an Ordinance be passed for the purposes of annexing the said property; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Property Suitable for Annexation. The City Council finds that the property is substantially contiguous to the existing city limits, and is otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcel of land with the legal description identified in Exhibit "B" attached hereto and incorporated herein, is hereby voluntarily annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The property being annexed is shown on the map attached as Exhibit "A". The City boundaries are hereby redefined so as to include the said described parcel of land.

Section 3. Effective Date. This ordinance shall take effect immediately after passage.

INTRODUCED AND PASSED on First Reading the ____ day of _____, 2014.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA ON THE ____ DAY OF _____, 2014.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, Adm. Services Director & City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

HIGHLANDS COUNTY PROPERTY APPRAISER

**C-07-34-29-020-00C0-0060
40 County Southwest Water**

Owners

Name 1 : BEN HILL GRIFFIN INC
Name 2 :

DOR Code : 66 [CLICK FOR CODE DESCRIPTION](#)
Map Id : 67C

MAILING ADDRESS

Addr 1 : 700 SCENIC HWY
Addr 2 :
City : FROSTPROOF
State : FL
Country:
Zip : 33843

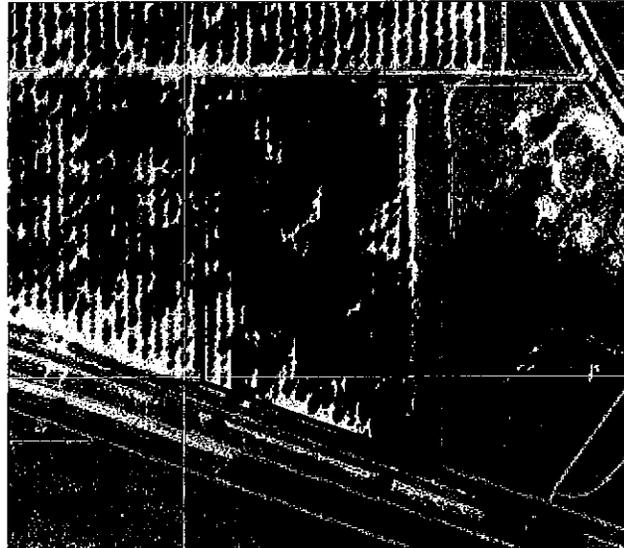
SITE ADDRESS

2840 MARTEN RD
SEBRING , FL 33872-

Neighborhood Code: 440.00
RURAL TRACTS IN 34/29

Legal Description

LAKEMONT ESTATES SUB
PB 2 PG 128
A 6.82 TR CONTAINING
WLY PORTS OF BLKS C-D & E
+ VACATED RDS OR 677-PG 245



[VIEW INTERACTIVE MAP](#)

[TAX COLLECTOR WEB SITE FOR THIS PARCEL.](#)

VALUE SUMMARY

Total Building Value	\$0
Total OB/XF Value	\$0
Total Land Value	\$24,736
Total Land Value - Agri.	\$16,484
Income	NA
Total Classified Use Value	\$16,484
Total Just Value	\$24,736

TAXABLE VALUE SUMMARY

Total Assessed Value	\$16,484
Total Exemptions	\$0
Total Taxable Value	\$16,484

Please note that property values in this office are being updated throughout the year. The final values are certified in October.

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this 11th Aug, 2014, by and between BEN HILL GRIFFIN INC, a Florida corporation, whose business address is P O BOX 127, FROSTPROOF, FL 33843, for themselves and their successors and assigns (hereinafter collectively referred to as "Owner"), and the City of Avon Park, a municipal corporation, whose business address is 110 East Main Street, Avon Park, Florida 33825, and its successors and assigns (hereinafter referred to as "City").

PURPOSE & INTENT

A. Owner is desirous of developing Owner's property described on Exhibit "A" attached hereto and made a part hereof (the "Property") someday in the future, and obtaining water service from the City when the Property is developed.

B. City is willing to provide such water service in the manner described herein, but in exchange requires that the annexation of the Property be performed as soon as legally possible.

AGREEMENT

OWNER and CITY therefore agree as follows:

1. Purpose & Intent and Exhibits Are Part of Agreement. The above recitations are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement and statements therein are hereby deemed a part of this Agreement.
2. Agreements between the Parties as to Annexation. Owner irrevocably agrees to voluntarily annex the Property within the City. City agrees to annex the Property.
3. Agreements as to Extension of Water Service.
 - a. The City agrees to perform or contract for all professional engineering services for design and FDEP permitting necessary to extend:
 - i. A water main of 8" in diameter with an estimated length of 7,700 feet in length, aligned along the proposed easements, or dedicated public right of way as illustrated on Exhibit-B.
 - b. The City will permit and construct the above described project (the "Utility Project") within 48 months of the execution of this Agreement.

4. Commencement of City Duties. The City's obligation to perform its duties regarding the Utility Project will be initiated upon annexation, and completed within a 48 month period.

5. Zoning change during the Annexation Process. As part of the annexation process, and at no cost to the Owner, the City and Owner will jointly initiate the rezoning of the property.

6. Dedication of Easement. Owner will provide the City with an easement 25 ft wide by 7,800 ft long for the purposes of installing utilities. The City shall not remove any citrus trees within the easement area. The City shall make any needed irrigation repairs within 24 hours or sooner. The approximate area is shown in Exhibit-B. The easement may be utilized by the owner to meet the City's Land Development regulations setbacks.

7. Laws of Florida to Govern; Venue; Waiver of Jury Trial. This Agreement shall be governed by the laws of the State of Florida, and the proper venue shall be state court in Highlands County, Florida, and the parties agree to waive any right to jury trial.

8. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party of any right, power, or privilege hereunder operate as a waiver of any other right, power, or privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power, or privilege hereunder.

9. Document is the Result of Mutual Draftsmanship. The terms and conditions in this Agreement are the product of mutual draftsmanship by both parties, each being represented by counsel, and any ambiguities in this Agreement or any documentation prepared pursuant to it shall not be construed against any of the parties because of authorship. The parties acknowledge that all the terms of this Agreement were negotiated at arms' length, and that each party, being represented by counsel, is acting to protect its, his, her, or their own interest.

10. Prior Agreements; Amendments. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between Owner and City, made with respect to the matters herein contained, and when duly executed constitutes the entire Agreement between Owner and City. No additions, alterations or variations of the terms of this Agreement shall be valid, nor provisions of this Agreement be deemed waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed by the party to be bound thereby.

11. Conflict With Laws. In the event of a conflict between provisions in this Agreement and the provisions in any federal or state law, or any City ordinance, resolution, rules and regulations or code, the parties shall first attempt to read the provisions in reasonable harmony, and if no agreement can be reached, the provision of federal law, then state law, then City ordinance (Code), resolution, rules & regulations shall prevail over the provisions in the Agreement, in that order, however, the City shall pass no future ordinance that will invalidate this Agreement or eliminate the City's duties under this Agreement.

12. Agreement Recorded as Covenant on the Property. A copy of this Agreement shall be duly recorded in the county records by the City as a covenant binding the Owner of the Property and any subsequent owners of the Property, and the benefits and burdens of this Agreement shall become a covenant, running, touching, building and concerning the title to the Property, and all parts and parcels thereof.

13. Attorney Fees. In the event of any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover actual and reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the same be incurred in a pre-litigation negotiation, litigation at the trial level, or upon appeal.

IN WITNESS WHEREOF, Owner and City have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

[signatures on attached pages]

OWNER

Signed, sealed and delivered before these witnesses:	<u>Gene Mooney</u> (Signed)	BEN HILL GRIFFIN INC By: <u>BH Griffin</u> Chief Executive Officer
	<u>Gene Mooney</u> (Printed)	
	<u>Donna H. Respress</u> (Signed)	
	<u>Donna H. Respress</u> (Printed)	

State of Florida
County of Highlands Polk

This instrument was acknowledged before me this August 1, 2014 by BH Griffin as President of BEN HILL GRIFFIN INC, a Florida corporation. She is personally known to me or [] produced a driver's license as identification. He



Donna H. Respress
Notary Public
Print Name: Donna H. Respress
My Commission Expires: Oct. 26, 2017

E-20



**CITY OF AVON PARK
LARGE SCALE FUTURE LAND USE MAP AMENDMENT
OVERVIEW REPORT
January 26, 2015**

TO: City of Avon Park City Council

FROM: Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

SUBJECT: **Ordinance No. 10-15**

Large Scale Future Land Use Map Amendment:

A City-initiated request to change the Future Land Use designation of approximately 190.0 acres of land located north of Little Red Water Lake, north of East Claradge Road, and west of SR 17 from County Agriculture and County Low Density Residential to City Mixed Use. The proposed Future Land Use Map amendment consists of five parcels identified by parcel ID numbers C013428A0000400000, C01342802000G00000, C01342802000H00000, C073429A0000200000, and C07342902000C00060.

AGENDA & HEARING DATE:

January 13, 2015: Planning & Zoning Board Meeting (Public Hearing)

January 26, 2015: City Council Meeting (Transmittal Public Hearing)

March 23, 2015: City Council Meeting (Adoption Public Hearing)

PLANNING & ZONING BOARD ACTION:

On Tuesday, January 13, 2015, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed City-initiated Large Scale Future Land Use Map Amendment to the City Council **with a recommendation of approval.**

ATTACHMENTS:

- Ordinance No. 10-15
- Location Map
- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Review Letter from Highlands County School Board

OVERVIEW:

Applicant	City of Avon Park
Property Owner	Ben Hill Griffin, Inc.
Parcel IDs	
Parcel #1	C013428A0000400000
Parcel #2	C01342802000G00000
Parcel #3	C01342802000H00000
Parcel #4	C073429A0000200000
Parcel #5	C07342902000C00060
Acreage (Total)	190.0 acres
Parcel #1	160.0 acres
Parcel #2	8.0 acres
Parcel #3	4.0 acres
Parcel #4	11.0 acres
Parcel #5	7.0 acres
Existing Future Land Use	County Agriculture and County Low Density Residential
Proposed Future Land Use	City Mixed-Use
Previous Hearings	None

The City of Avon Park (applicant) is requesting a Large Scale Future Land Use Map Amendment to change the Future Land Use designation of five (5) parcels of land consisting of approximately 190.0 acres from the Future Land Use of County Agriculture and County Low Density Residential to City Mixed-Use. The subject parcels are located north of Little Red Water Lake, north of East Claradge Road, and west of SR 17 (see attached Aerial Photo Map).

REASON FOR REQUEST:

The proposed Future Land Use of Mixed-Use is requested in order to provide flexibility in the potential future development of the subject parcels.

STANDARDS FOR EVALUATION OF PROPOSED PLAN AMENDMENTS

The City Council shall consider and evaluate the proposed amendments against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*
- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the Future Land Use designation of the subject parcels from County Agriculture and County Low Density Residential to City Mixed-Use. Descriptions for both the existing and proposed Future Land Use designations are provided as follows:

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.1. – Agriculture:

Agriculture is the predominant land use for the rural areas of Highlands County. This category encompasses those activities generally associated with rural settlements, active agriculture including bio fuel feedstock and other resource based activities, and recreation and open space.

A general summary of the residential density/intensity permitted within the Agriculture Future Land Use designation as provided in the Future Land Use Element of the Highlands County Comprehensive Plan is as follows:

- Starting Density: 0.20 or less, units per acre, or one (1) dwelling for every five acres.
- Maximum Density: 1 unit per 1 acre on the receiving parcel with a density transfer pursuant to a transfer of development rights or clustering;

Additional Allowable Uses: Places of worship; emergency support services. Public schools (Elementary & Middle) consistent with Policy 1.5.1 of the Public School Facilities Element; to serve the rural population to the greatest extent possible collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum; and gallery.

County Future Land Use Element, Policy 1.2.D.2. – Low Density Residential:

This land use classification requires large lots for single-family housing which is typical of estate subdivisions or ranchettes. This land use is primarily utilized as a means to define the transition to agrarian settlement patterns within the County, such as in Existing Rural Villages. It performs the function of an urban/rural threshold around the urban cores. Low Density Residential should be the primary land use option for the development of less accessible lands or less useable lands on the Lake Wales Ridge.

- a. Starting Density: 1.00 units per acre.
- b. Maximum Density: 3.00 units per acre.
- c. Additional Allowable Uses: Public schools (Elementary & Middle); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.

Proposed – Future Land Use

City Future Land Use Element, Policy 1.9 – Mixed-Use:

This Future Land Use designation shall be applied outside of the Downtown Commercial/Main Street area of the City. This designation shall apply to developments in which a mix of interconnected residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.

The Mixed Use designation shall be subject to a master plan through the Planned Development zoning district. In order to achieve a balanced mix of uses, the land uses should be provided within the following ranges:

- a. Residential: Up to 60% of acreage
- b. Retail/Office/Light Industrial: Up to 60% of acreage
- c. Recreation/Open Space/Public/Civic Space: At least 30% of gross site area.
- d. Maximum Density: 16 dwelling units per acre
- e. Maximum Intensity - Floor Area Ratio: 1.0 FAR

The proposed designation of Mixed-Use is consistent with the City’s Comprehensive Plan in that it targets the City’s goals, objectives, and policies to provide a planned mix of interconnected residential and non-residential development. Properties with a Mixed-Use Future Land Use specifically strengthen the City’s objectives in achieving sustainable cities development techniques in accordance with Objective 7 of the Future Land Use Element of the City’s Comprehensive Plan. Additionally, per the requirements of Policy 1.9 of the Future Land Use element of the City’s Comprehensive, the owner/developer shall be required to rezone the subject parcels to a Planned Unit Development (PUD) prior to any development. Although the City is not currently seeking a rezoning at this time, the Mixed-Use designation will be consistent with the inherent zoning of the subject parcels when rezoned.

Land Use Analysis

Lands surrounding the subject parcels are generally classified by a mix of County Agriculture to the north and Low to Medium Density Residential to the south. The Land Use matrix below outlines the existing and proposed Future Land Use of the subject parcels and the existing Future Land Use of surrounding parcels (Existing and Proposed Future Land Use maps are attached for reference).

Land Use Matrix

Northwest	North	Northeast
FLU: County Agriculture and County Medium Density Residential	FLU: County Agriculture	FLU: County Agriculture
West	Subject Property	East
FLU: County Agriculture and County Medium Density Residential	FLU: <u>Existing:</u> County Agriculture and County Low Density Residential <u>Proposed:</u> City Mixed-Use	FLU: County Agriculture
Southwest	South	Southeast
FLU: County Low and Medium Density Residential	FLU: County Low and Medium Density Residential	FLU: County Agriculture and County Medium Density Residential)

The existing development density/intensity permitted by the current County Future Land Use designations of the subject parcels allows for approximately 72 residential dwellings (36 for the Agriculture portions and 36 for the Low Density Residential portions). Under the proposed Future Land Use designation of City Mixed-Use, the maximum potential residential build-out would be approximately 1,824 residential dwellings, a change of approximately 1,752 total dwelling units.

Please note that this calculation represents the maximum potential for residential development and that no actual development proposals have been presented at this time. Due to the potential variability of residential to non-residential mix of development on the subject parcels, a more detailed and specific land use analysis shall be required at the time of PUD zoning approval in order to evaluate potential land use impacts on surrounding properties associated with the development proposal of the PUD.

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services. Please note that additional analysis may need to be conducted prior to zoning approval and any development on the subject parcels.

Potable Water, Sanitary Sewer and Solid Waste:

The City does not currently provide potable water, sanitary sewer, or solid waste collection for the subject parcel. However, capacity exists within the City's system to provide these services. Additional analysis and facility improvements may be required prior to zoning approval and development of the subject parcels.

Transportation/Traffic:

Current access to the property is from East Claradge Avenue via State Road 17. East Claradge Avenue is a paved local road maintained by Highlands County. At the time of development approval, a detailed traffic analysis will be required to ensure concurrency for the project.

Public Schools:

The amendment has been provided to the Highlands County School Board (HCSB) for review of school facilities. The review considers potential impacts based on the maximum residential density under the City Mixed-Use Future Land Use designation. Based on the HCSB review, capacity exists within the Highlands County Public School system to facilitate the potential build-out. Additional analysis will need to be conducted prior to zoning approval and development of the subject parcels.

Recreation/Open Space:

Because lands designated as Mixed-Use are subject to a Planned Unit Development zoning, provisions for recreation facilities shall be provided on the subject parcels. Recreation and open space requirements per the City's regulations for Planned Unit Developments shall be reviewed and evaluated prior to zoning approval and development of the subject parcels.

CITY COUNCIL MOTION OPTIONS:

1. I move the City Council **approve** to transmit Ordinance No. 10-15, a City-initiated Large Scale Future Land Use Map Amendment to the Department of Economic Opportunity for review.
2. I move the City Council **approve with changes** to transmit Ordinance No. 10-15, a City-initiated Large Scale Future Land Use Map Amendment to the Department of Economic Opportunity for review.

E-20

ORDINANCE NO. 10-15

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING FIVE (5) PARCELS (C013428A0000400000, C01342802000G00000, C01342802000H00000, C073429A0000200000, and C07342902000C00060) CONSISTING OF APPROXIMATELY 190-ACRES GENERALLY LOCATED NORTH OF LITTLE RED WATER LAKE, NORTH OF EAST CLARADGE ROAD, AND WEST OF SR 17 FROM COUNTY AGRICULTURE AND COUNTY LOW DENSITY RESIDENTIAL TO CITY MIXED-USE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Avon Park, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on the Future Land Use Map Amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Avon Park; and

WHEREAS, in exercise of its authority the City Council has determined that the parcels, as marked on Exhibit "A", consist of approximately 190-acres and are the subject of this ordinance and represent a change to the Future Land Use Map by changing the Future Land Use designation from County Agriculture and County Low Density Residential to City Mixed-Use;

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida, as follows:

Section 1. The Future Land Use Map is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the Future Land Use designation of "City Mixed-Use" to the parcels designated on such Exhibit.

Section 2. If any provision or portion of this Ordinance is declared by any court of

competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. A certified copy of this enacting ordinance and certified copy of the City of Avon Park Comprehensive Plan shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. Within ten (10) days of final passage and adoption of this Ordinance, the City of Avon Park shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, *Florida Statutes*.

Section 5. The effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of Avon Park that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be in compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of January, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

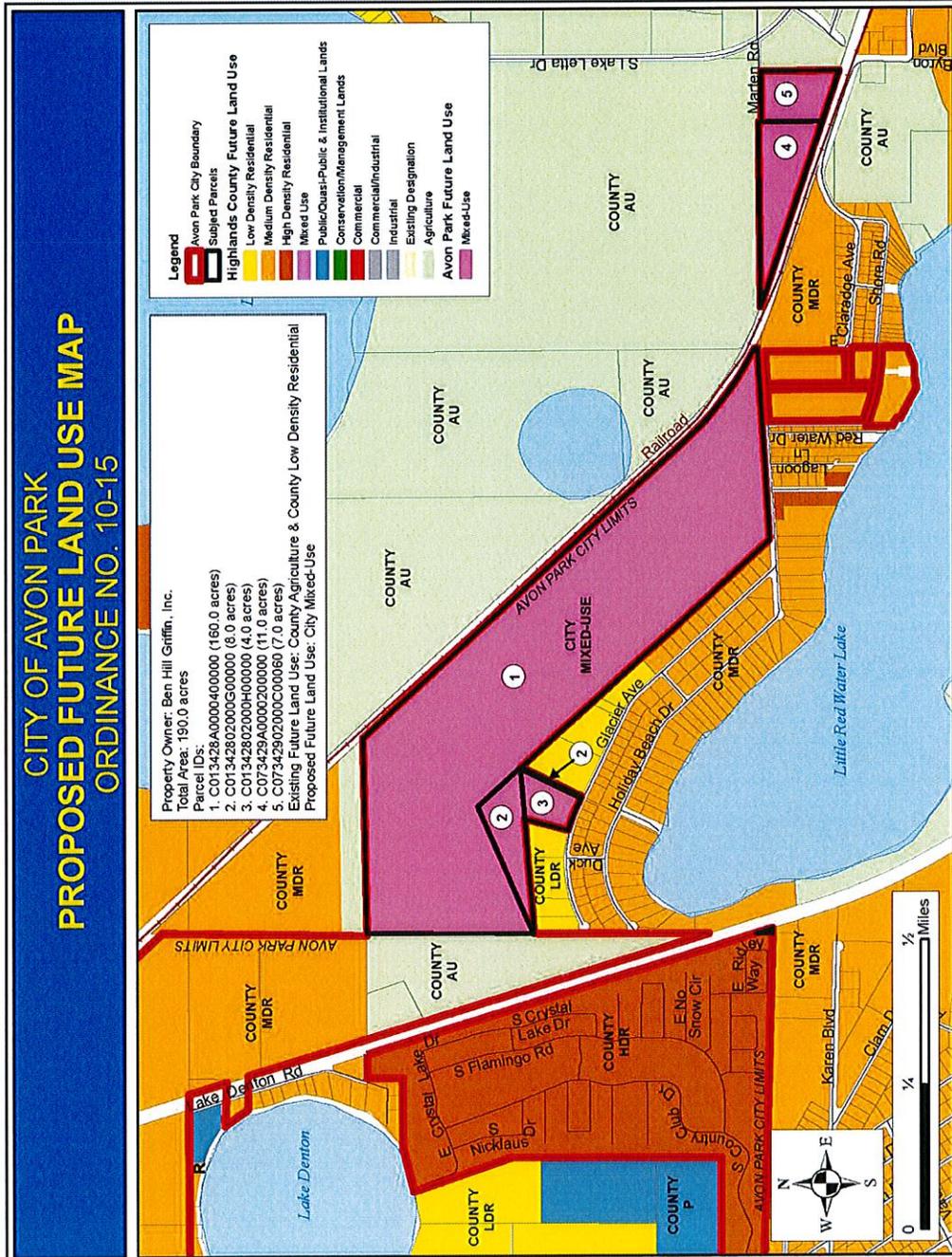
Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

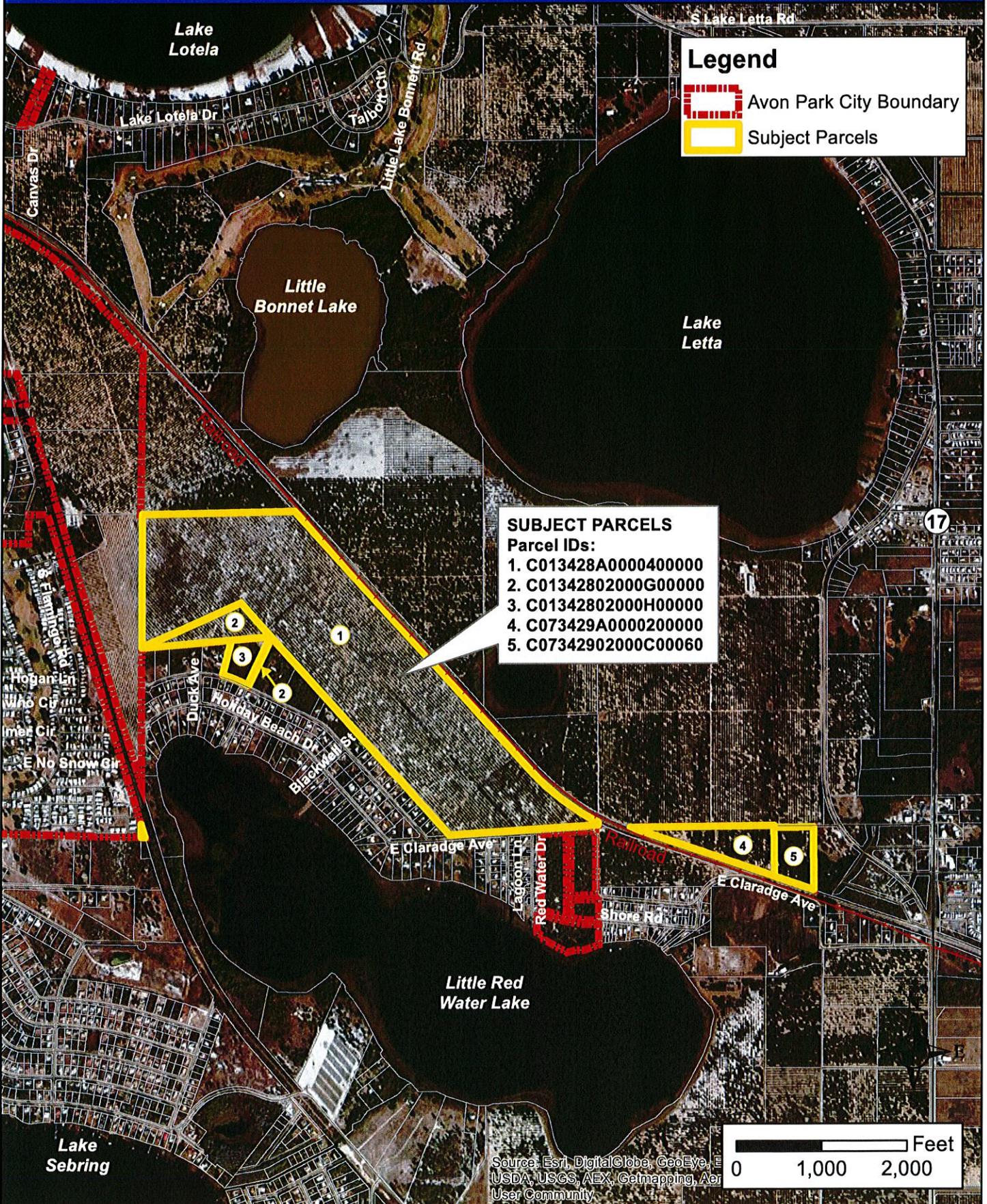
ORDINANCE NO. 10-15

EXHIBIT "A"

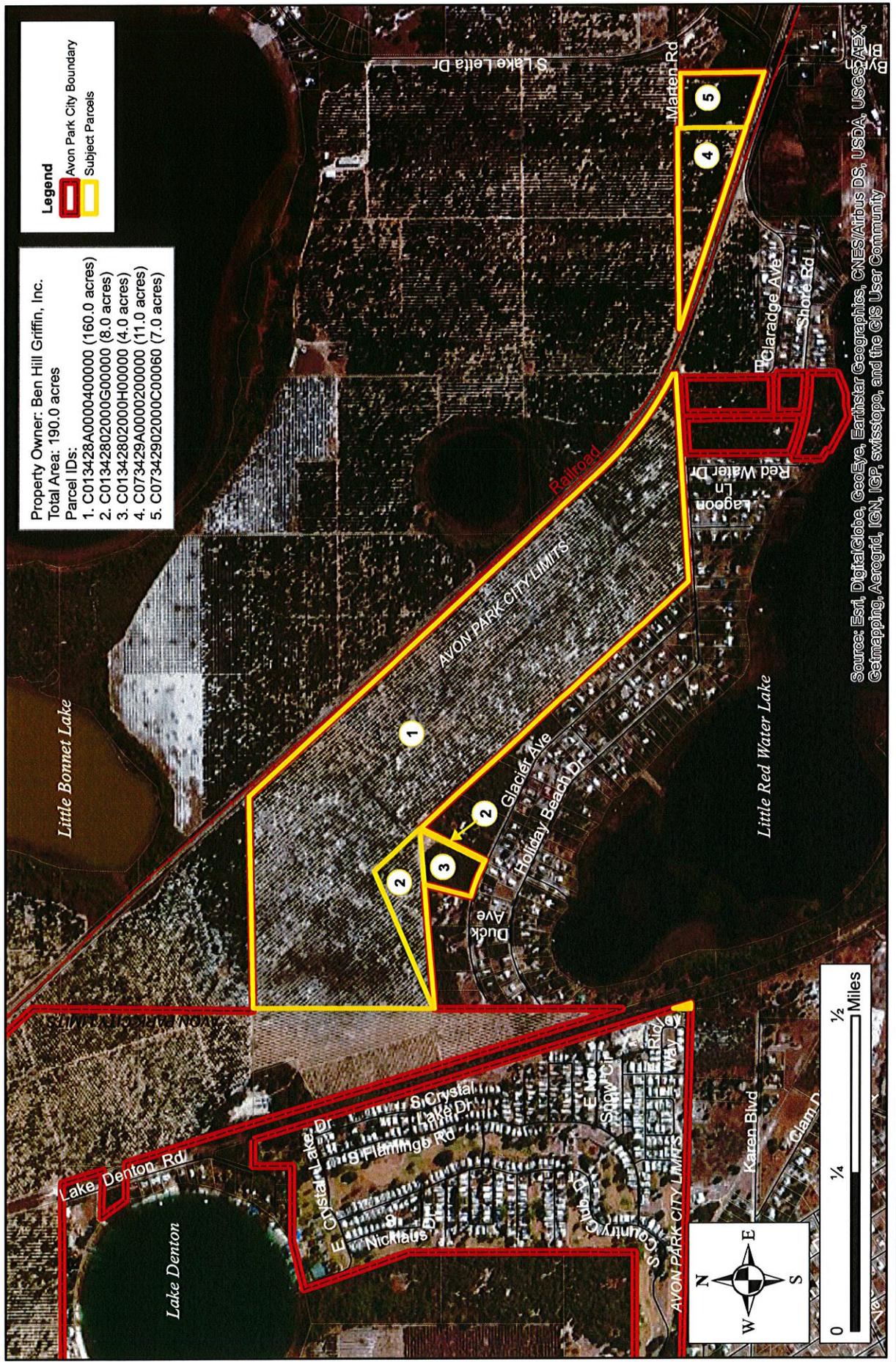
Proposed Future Land Use Map



HIGHLANDS COUNTY AND CITY OF AVON PARK LOCATION MAP



CITY OF AVON PARK AERIAL PHOTO MAP



CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE NO. 10-15

Property Owner: Ben Hill Griffin, Inc.

Total Area: 190.0 acres

Parcel IDs:

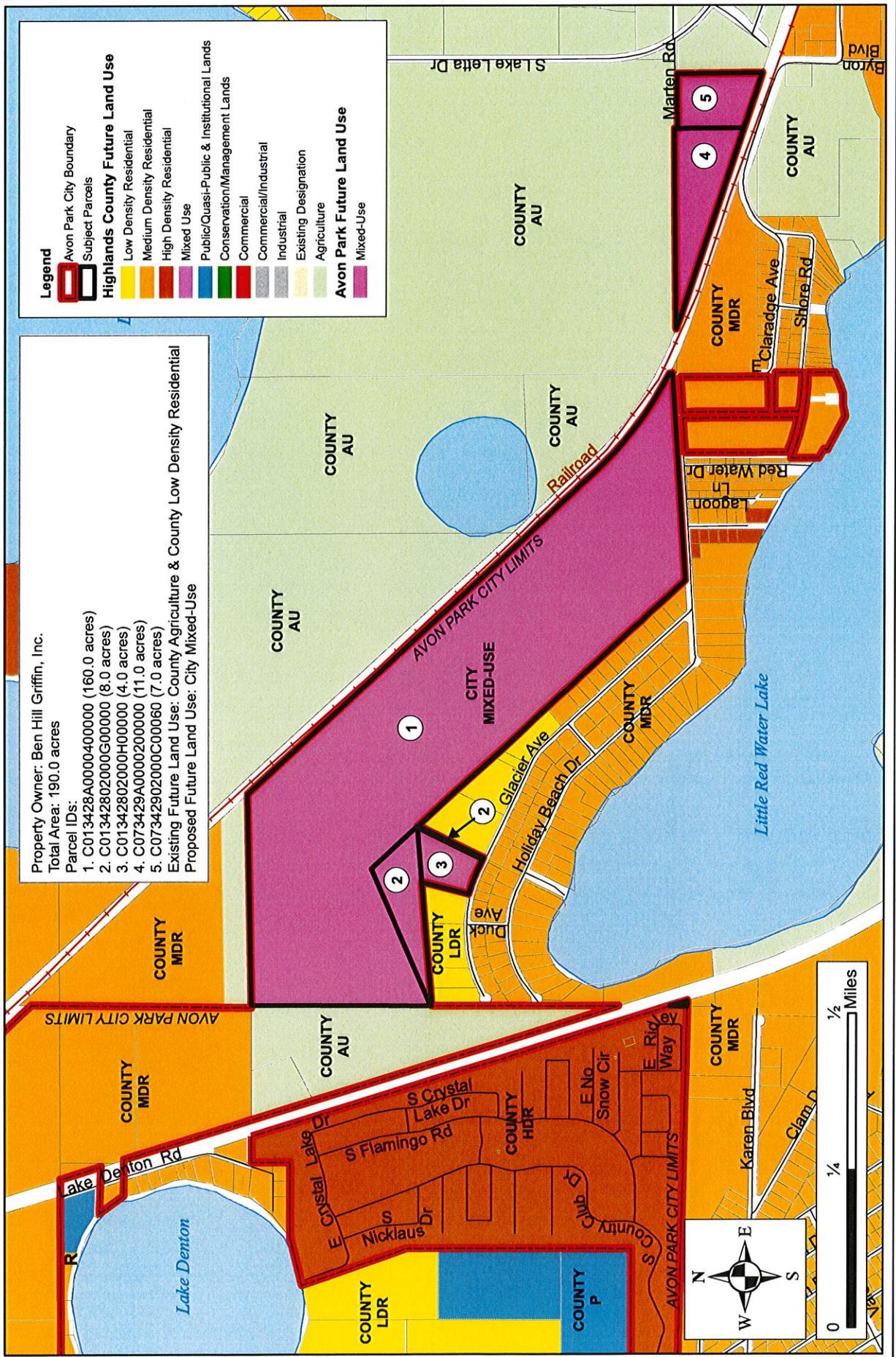
1. C013428A0000400000 (160.0 acres)
2. C01342802000G000000 (8.0 acres)
3. C01342802000H000000 (4.0 acres)
4. C073429A0000200000 (11.0 acres)
5. C07342902000C000060 (7.0 acres)

Existing Future Land Use: County Agriculture & County Low Density Residential

Proposed Future Land Use: City Mixed-Use

Legend

- Avon Park City Boundary
- Subject Parcels
- Highlands County Future Land Use**
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Public/Quasi-Public & Institutional Lands
- Conservation/Management Lands
- Commercial
- Commercial/Industrial
- Industrial
- Existing Designation
- Agriculture
- Avon Park Future Land Use**
- Mixed-Use





The School Board of Highlands County

426 School Street • Sebring, FL 33870-4048

(863) 471-5555 • FAX (863) 471-5600 TDD (863) 382-3693

Wally Cox
Superintendent

Bill Brantley
Chairperson

Donna Howerton
Vice Chairperson

Jill Compton

Charlene Edwards

Jan Shoop

School Board of Highlands County School Capacity Planning Tool for Comprehensive Plan Amendments

January 9, 2015

Jeff Schumucker
Senior Planner
555 East Church Street
Bartow, FL 33830

School Year of Analysis: 2014/2015

Proposed Development:

Applicant: City of Avon Park

Location (map attached): C013428A0000400000, C01342802000G0000000,
C01342802000H00000, C073429A00002000000, C07342902000C00060

School Attendance Zones:

Elementary: Woodlawn Elementary

Middle: Hill-Gustat Middle

High: Sebring High

Proposed Dwelling Units: 1,750 Single Family ___ Mobile Home ___ Multi-Family

Propose build out year: Unknown

Proposed Phasing if applicable:

2012 Student Generation Rates by Dwelling Unit Type

Dwelling unit Type	Elementary (K-5)	Middle (6-8)	High (9-12)
Single Family	0.129	0.061	0.074
Mobile Home	0.086	0.041	0.049
Multi-Family	0.080	0.038	0.046

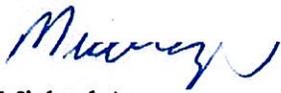
"A fully accredited school system"
Southern Association of Colleges and Schools
Equal Opportunity Employer

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Michael Ave
Assistant Superintendent of Business/Operations

MA/cd

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**CITY OF AVON PARK
SMALL SCALE FUTURE LAND USE MAP AMENDMENT
OVERVIEW REPORT
January 26, 2015**

TO: City of Avon Park City Council
FROM: Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

SUBJECT: **Ordinance No. 11-15**
Small Scale Future Land Use Map Amendment:
A City-initiated request to change the Future Land Use designation of approximately 18.0 acres of land located north of Little Red Water Lake between Red Water Drive and E. Claradge Road from County Medium Density Residential to City Medium Density Residential. The proposed Future Land Use Map amendment consists of parcel ID number C1234280500000010.

AGENDA & HEARING DATE:
January 13, 2015: Planning & Zoning Board Meeting (Public Hearing)
January 26, 2015: **City Council Meeting (First Reading)**
February 9, 2015: City Council Meeting (Adoption Public Hearing)

PLANNING & ZONING BOARD ACTION:
On Tuesday, January 13, 2015, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed City-initiated Small Scale Future Land Use Map Amendment to the City Council **with a recommendation of approval.**

- ATTACHMENTS:**
- Ordinance No. 11-15
 - Aerial Photo Map
 - Existing Future Land Use Map
 - Proposed Future Land Use Map

OVERVIEW:

Applicant	City of Avon Park
Property Owner	Red Water Investments, LLC
Parcel ID	C1234280500000010
Acreage (Total)	18.0 acres
Existing Future Land Use	County Medium Density Residential
Proposed Future Land Use	City Medium Density Residential
Previous Hearings	None

The City of Avon Park (applicant) is requesting a Small Scale Future Land Use Map Amendment to change the Future Land Use designation of one (1) parcel of land consisting of approximately 18.0 acres from the Future Land Use of County Medium Density Residential to City Medium Density Residential. The subject parcel is located north of Little Red Water Lake between Red Water Dive and E. Claradge Road (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City’s Future Land Use Map to reflect a Future Land Use designation of City Medium Density Residential in order to facilitate the development of a mobile home park on the subject parcel. The City is also seeking a concurrent request to rezone the property from County M-1-S Mobile Home and Residential Subdivisions District to City High Density Multi-Family Residential R-3 (MH Park) to ensure consistency with the proposed Future Land Use change.

STANDARDS FOR EVALUATION OF PROPOSED PLAN AMENDMENTS

The City Council shall consider and evaluate the proposed amendments against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*
- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the Future Land Use designation of the subject parcels from County Medium Density Residential to City Medium Density Residential. Descriptions for both the existing and proposed Future Land Use designations are provided as follows:

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.3. – Medium Density Residential:

The development pattern for this residential category begins with the traditional development density for single-family lots on unincorporated properties in the County. Generally subdivided into quarter-acre lots, which established the starting density this land use category constituted the primary residential environment for County residents comprising both site-built and mobile homes. Historic development patterns for this land use category favor commuter linkages from satellite subdivisions around municipalities and along arterial corridors. Housing service ranges from single-family detached neighborhoods to attached housing complexes, such as duplexes, which offer both ownership and rental opportunities. Vacant

infill properties are prime candidates for this land use category. Future projects should emphasize a traditional preference for privacy, visual amenity, and low profile development: one and two story construction, ample separation between buildings, off-street parking, landscape treatments, etc. The upper end of this density range, which includes the Mobile Home Park (max. 8 dus/ac), may be achieved where existing infrastructure and paved roads exist to serve the development site or whenever special taxing districts are created to provide such infrastructure.

- a. Starting Density: 4.00 units per acre.
- b. Maximum Density: 8.00 units per acre
- c. Additional Allowable Uses: Public schools (Elementary, Middle, & High); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Permitted Supporting Uses: include potable water and wastewater treatment plants.

Proposed – Future Land Use

City Future Land Use Element, Policy 1.5 – Medium Density Residential:

The Medium Density Residential designation shall meet Avon Park's housing demand for this range of density, promote efficient use of existing infrastructure and promote affordable housing. Multi-family housing units are permissible at a maximum density of 16 units per gross acre. Mobile home parks are permissible at a maximum density of 8 mobile homes per gross acre. Public schools shall be a permitted use in this classification.

The proposed Future Land Use change targets the City's need to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Land Use Analysis

Lands surrounding the subject parcels are generally classified by a mix of County Agriculture to the north and County Medium Density Residential to the east and west, with Little Red Water Lake to the south. The Land Use matrix below outlines the existing and proposed Future Land Use of the subject parcels and the existing Future Land Use of surrounding parcels (Existing and Proposed Future Land Use maps are attached for reference).

Land Use Matrix

Northwest	North	Northeast
FLU: County Agriculture	FLU: County Agriculture	FLU: County Agriculture
West	Subject Property	East
FLU: County Medium Density Residential	FLU: <u>Existing:</u> County Medium Density Residential <u>Proposed:</u> City Medium Density Residential	FLU: County Medium Density Residential
Southwest	South	Southeast
FLU: None (Little Red Water Lake)	FLU: None (Little Red Water Lake)	FLU: None (Little Red Water Lake)

The maximum residential density permitted under the current County Medium Density Residential designation is 8 dwelling units per acre. The total acreage of the subject parcel is 18.0 acres. Currently the property would permit a maximum build-out of 144 total residential dwellings.

Under the proposed Future Land Use of City Medium Density Residential, the maximum residential density permitted is also 8 dwelling units per acre for mobile home parks. The proposed Future Land Use is equal to that of the current Future Land Use, thus the potential development intensity of the subject parcel remains unchanged. Based on this finding, no negative land use impacts are anticipated by the proposed change.

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water, Sanitary Sewer and Solid Waste:

The City will provide potable water, sanitary sewer, and solid waste collection for the subject parcel. Capacity exists within the City’s system to provide these services. Additional analysis and facility improvements may be required prior to receiving any building permits for development on the subject parcel.

Transportation/Traffic:

The property is accessed from East Claradge Avenue via State Road 17. East Claradge Avenue is a paved local road maintained by Highlands County. Based on a preliminary review of the existing Highlands County Concurrency Management System and functionally classified roads within the vicinity of the subject parcels, and considering that there is no increase in the potential development intensity on the subject parcel, sufficient capacity appears to exist to support the proposed Future Land Use change. At the time of consideration of development approval, a traffic analysis will be required to ensure concurrency for any proposed development.

Public Schools:

Notification has been provided to the Highlands County School Board. Considering that there is no increase in the potential development intensity as a result of the proposed Future Land Use change, no negative impacts on the Highlands County public school system are anticipated.

Recreation/Open Space:

Based on the City's level of service standard for recreation and open space facilities, which requires 3 acres/1,000 persons and the City's current operating standard of 6.54 acres/1,000 persons, no negative impacts are anticipated with the proposed Future Land Use change.

At this time, there are no negative impacts anticipated on existing City services and facilities. Any facility improvements needed to service the subject parcels will be addressed prior to any development on the subject parcels.

CITY COUNCIL MOTION OPTIONS:

1. I move the City Council **approve** the First Reading of Ordinance No. 11-15, a City-initiated Small Scale Future Land Use Map Amendment.
2. I move the City Council **approve** with changes the First Reading of Ordinance No. 11-15, a City-initiated Small Scale Future Land Use Map Amendment.

ORDINANCE NO. 11-15

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING ONE (1) PARCEL (C1234280500000010) CONSISTING OF APPROXIMATELY 18-ACRES GENERALLY LOCATED NORTH OF LITTLE RED WATER LAKE BETWEEN RED WATER DRIVE AND E. CLARADGE ROAD FROM COUNTY MEDIUM DENSITY RESIDENTIAL TO CITY MEDIUM DENSITY RESIDENTIAL; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Avon Park, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City Council held meetings and hearings on Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Avon Park; and

WHEREAS, in exercise of its authority the City Council has determined that the parcel, as marked on Exhibit "A", consists of approximately 18-acres and is the subject of this ordinance (a Small Scale Future Land Use Map Amendment) and represents a change to the Future Land Use Map by changing the Future Land Use designation from County Medium Density Residential to City Medium Density Residential;

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida, as follows:

Section 1. The Future Land Use Map is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the Future Land Use designation of "City Medium Density Residential" to the parcel designated on such Exhibit.

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. A certified copy of this enacting ordinance and certified copy of the City of Avon Park Comprehensive Plan shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. The effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of Mulberry that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be in compliance in accordance with Section 163.3187(5)(c), *Florida Statutes*.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of January, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

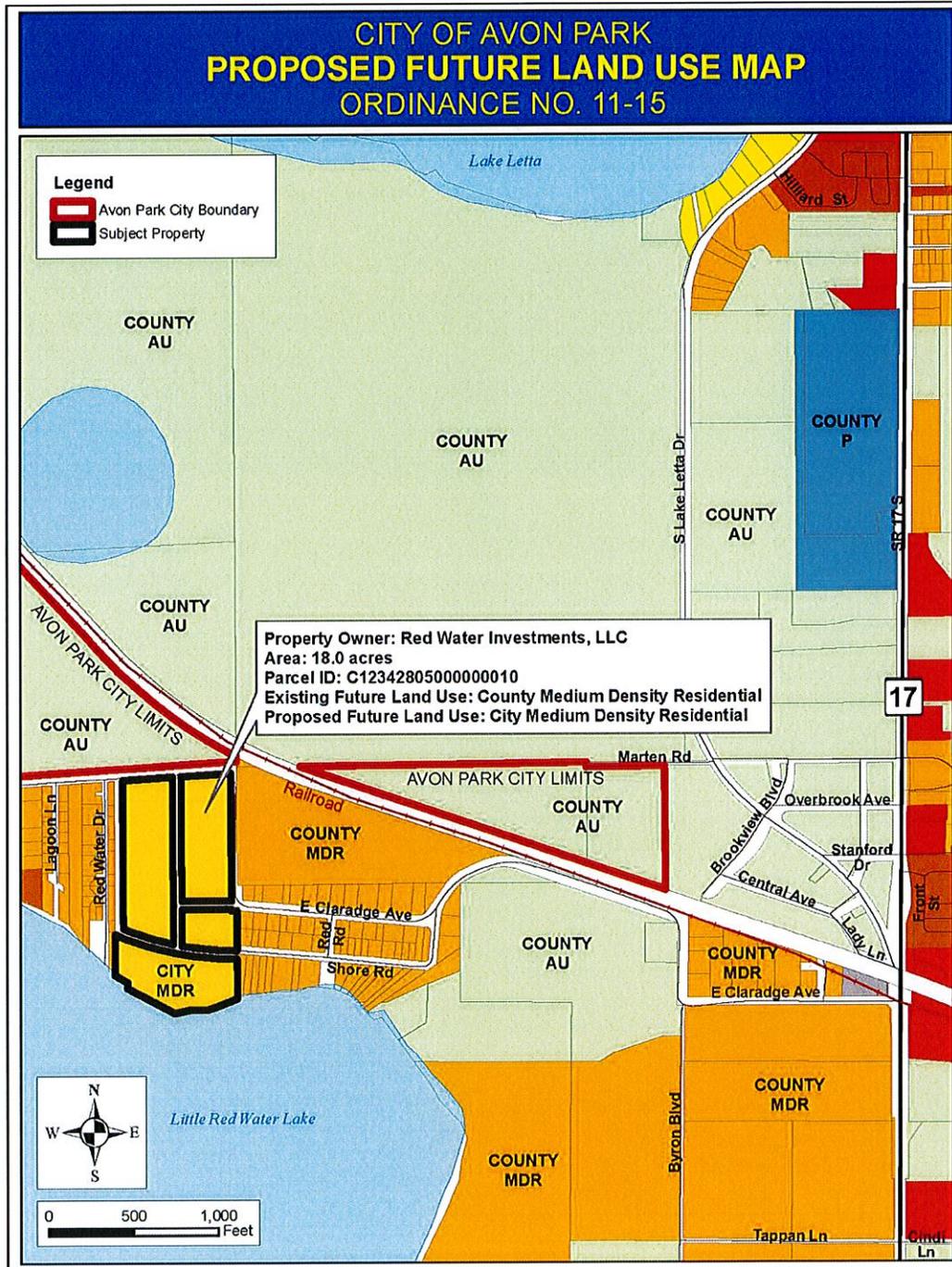
Motion made by _____ **seconded by** _____.

The vote was ____ **for** ____ **against with** ____ **abstentions and** ____ **absent**

ORDINANCE NO. 11-15

EXHIBIT "A"

Proposed Future Land Use Map



CITY OF AVON PARK AERIAL PHOTO MAP

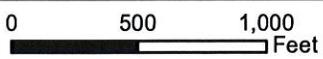
Legend

-  Avon Park City Boundary
-  Subject Property

Property Owner: Red Water Investments, LLC
Area: 18.0 acres
Parcel ID: C1234280500000010



Little Red Water Lake



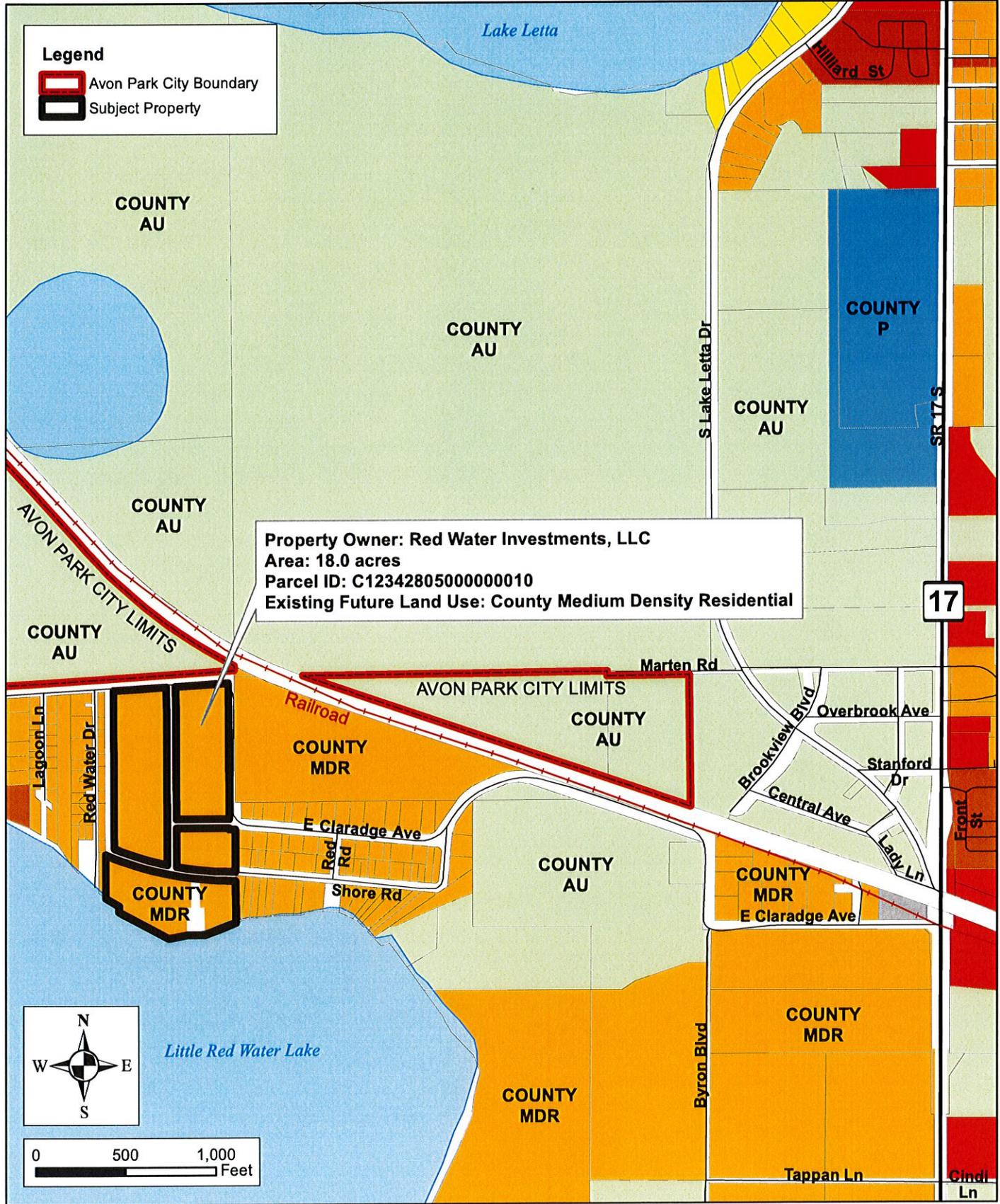
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CITY OF AVON PARK EXISTING FUTURE LAND USE MAP ORDINANCE NO. 11-15

Legend

-  Avon Park City Boundary
-  Subject Property

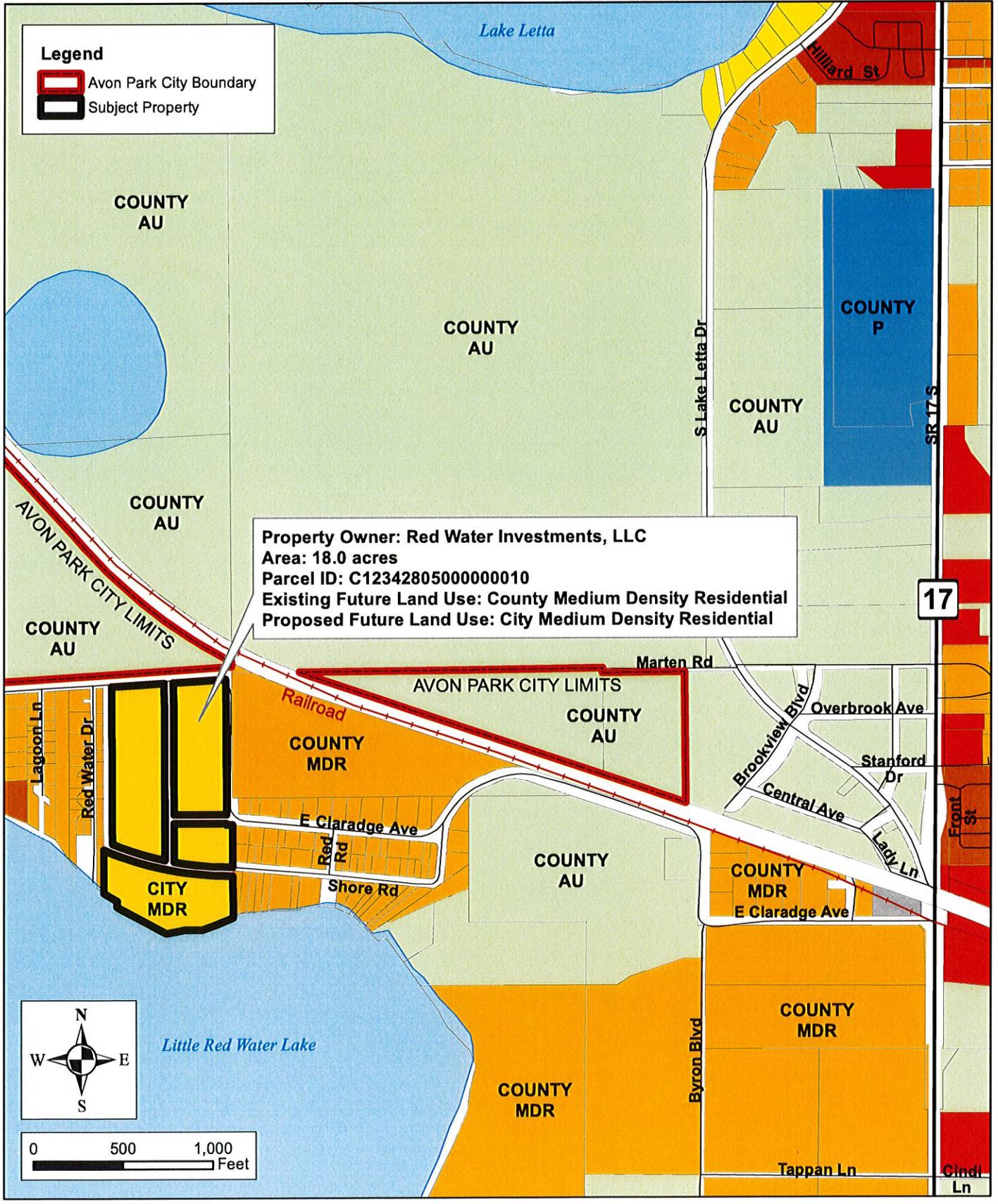
Property Owner: Red Water Investments, LLC
Area: 18.0 acres
Parcel ID: C1234280500000010
Existing Future Land Use: County Medium Density Residential



CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE NO. 11-15

Legend

- Avon Park City Boundary
- Subject Property



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**CITY OF AVON PARK
ZONING AMENDMENT
OVERVIEW REPORT**
January 26, 2015

TO: City of Avon Park City Council

FROM: Jeff Schmucker, Senior Planner, Central Florida Regional Planning Council

SUBJECT: **Ordinance No. 12-15**
Zoning Amendment:

A City-initiated request to change the Zoning designation of approximately 18.0 acres of land located north of Little Red Water Lake between Red Water Drive and E. Claradge Road from County M-1-S Mobile Home and Residential Subdivisions District to City High Density Multi-Family Residential R-3 (MH Park). The proposed rezoning consists of parcel ID number C1234280500000010.

AGENDA & HEARING DATE:

January 13, 2015: Planning & Zoning Board Meeting (Public Hearing)

January 26, 2015: **City Council Meeting (First Reading)**

February 9, 2015: City Council Meeting (Adoption Public Hearing)

PLANNING & ZONING BOARD ACTION:

On Tuesday, January 13, 2015, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed Zoning Map Amendment to the City Council **with a recommendation of denial.**

ATTACHMENTS:

- Ordinance No. 12-15
- Aerial Photo Map
- Proposed Future Land Use Map (Ordinance No. 11-15)
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW:

Applicant	City of Avon Park
Property Owner	Red Water Investments, LLC
Parcel ID	C1234280500000010
Acreage (Total)	18.0 acres
Proposed Future Land Use	City Medium Density Residential
Existing Zoning	County M-1-S (Mobile Home and Residential Subdivisions District)
Proposed Zoning	City R-3 (High Density Multi-Family Residential - MH Park)
Previous Hearings	None

The City of Avon Park (applicant) is requesting a Zoning Amendment to change the zoning of one (1) parcel of land consisting of approximately 18.0 acres from the zoning of County M-1-S Mobile Home and Residential Subdivisions District to City High Density Multi-Family Residential R-3 (MH Park). The subject parcel is located north of Little Red Water Lake between Red Water Dive and E. Claradge Road (see attached Aerial Photo Map).

REASON FOR REQUEST:

The purpose of the request is to update the City’s Official Zoning Map to reflect a zoning designation of City High Density Multi-Family Residential R-3 (MH Park) in order to facilitate the development of a mobile home park on the subject parcel. The City is also seeking a concurrent request to change the Future Land Use of the property from County Medium Density Residential to City Medium Density Residential to ensure consistency with the proposed zoning change.

STANDARDS FOR EVALUATION OF PROPOSED ZONING AMENDMENTS

The Planning and Zoning Board shall review every Zoning Amendment. In reviewing and formulating recommendations to the City Council, the Planning and Zoning Board shall specifically consider and evaluate the proposed amendments against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*
- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the zoning of the subject parcels from County M-1-S Mobile Home and Residential Subdivisions District to City High Density Multi-Family Residential R-3 (MH Park). The proposed Future Land Use of the subject parcel is City Medium Density Residential. Descriptions for both the existing and proposed zoning designations and the proposed Future Land Use are provided as follows:

Proposed – Future Land Use

City Future Land Use Element, Policy 1.5 – Medium Density Residential:

The Medium Density Residential designation shall meet Avon Park's housing demand for this range of density, promote efficient use of existing infrastructure and promote affordable housing. Multi-family housing units are permissible at a maximum density of 16 units per

gross acre. Mobile home parks are permissible at a maximum density of 8 mobile homes per gross acre. Public schools shall be a permitted use in this classification.

Existing – Zoning

County Unified Land Development Code, Section 2.04.02.05 – R-3 High Density Multi-Family Residential:

The M-1-S mobile home and residential subdivisions district is intended to encumber certain existing recorded and unrecorded subdivisions in which residential use is accomplished by conventional construction and mobile homes. These areas are to remain in mixed residential use as a choice of the individual ownerships.

Proposed – Zoning

City Unified Land Development Code, Section 2.04.02.05 – R-3 High Density Multi-Family Residential:

To establish locations suitable for high density residential development with a maximum of eight units per acre (8 du/ac) for mobile home parks, to designate those uses and activities that are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development in a high density residential environment.

The proposed zoning in conjunction with the proposed Future Land Use change targets the City's need to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the City, in accordance with the goals, objectives, and policies of the Housing Element of the City's Comprehensive Plan.

Land Use Analysis

Lands surrounding the subject parcels are generally classified by a mix of County Agriculture to the north and M-1-S Mobile Home and Residential Subdivisions Districts to the east and west, with Little Red Water Lake to the south. The Land Use matrix below outlines the proposed Future Land Use of the subject parcel, the existing and proposed zoning of the subject parcel, and the existing zoning of surrounding parcels (Existing and Proposed Zoning maps and Proposed Future Land Use Map are attached for reference).

Land Use Matrix

Northwest	North	Northeast
Existing FLU: County Agriculture Existing Zoning: County Agriculture	Existing FLU: County Agriculture Existing Zoning: County Agriculture	Existing FLU: County Agriculture Existing Zoning: County Agriculture
West	Subject Property	East
Existing FLU: County Medium Density Residential Existing Zoning: County M-1-S	Proposed FLU: County Medium Density Residential ----- Zoning: <u>Existing:</u> County M-1-S <u>Proposed:</u> City R-3	Existing FLU: County Medium Density Residential Existing Zoning: County M-1-S
Southwest	South	Southeast
Existing FLU and Zoning: None (Little Red Water Lake)	Existing FLU and Zoning: None (Little Red Water Lake)	Existing FLU and Zoning: None (Little Red Water Lake)

The maximum residential density of the subject parcel is governed by the current County Medium Density Residential designation, which allow for 8 dwelling units per acre. The total acreage of the subject parcel is 18.0 acres. Currently the property would permit a maximum build-out of 144 total residential dwellings.

Under the proposed Future Land Use of City Medium Density Residential and the zoning of City High Density Multi-Family Residential R-3 (MH Park), the maximum residential density permitted is also 8 dwelling units per acre. The proposed Future Land Use and zoning are equal to that of the current Future Land Use and zoning, thus the potential development intensity of the subject parcel remains unchanged. Based on this finding, no negative land use impacts are anticipated by the proposed change.

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water, Sanitary Sewer and Solid Waste:

The City will provide potable water, sanitary sewer, and solid waste collection for the subject parcel. However, capacity exists within the City’s system to provide these services. Additional analysis and facility improvements may be required prior to receiving any building permits for development on the subject parcel.

Transportation/Traffic:

The property is accessed from East Claradge Avenue via State Road 17. East Claradge Avenue is a paved local road maintained by Highlands County. Based on a preliminary review of the existing Highlands County Concurrency Management System and functionally classified roads within the vicinity of the subject parcels, and considering that there is no increase in the potential development

intensity on the subject parcel, sufficient capacity appears to exist to support the proposed Future Land Use change. At the time of consideration of development approval, a traffic analysis will be required to ensure concurrency for any proposed development.

Public Schools:

Notification has been provided to the Highlands County School Board. Considering that there is no increase in the potential development intensity as a result of the proposed zoning change, no negative impacts on the Highlands County public school system are anticipated.

Recreation/Open Space:

Based on the City's level of service standard for recreation and open space facilities, which requires 3 acres/1,000 persons and the City's current operating standard of 6.54 acres/1,000 persons, no negative impacts are anticipated with the proposed zoning change.

At this time, there are no negative impacts anticipated on existing City services and facilities. Any facility improvements needed to service the subject parcels will be addressed prior to any development on the subject parcels.

CITY COUNCIL MOTION OPTIONS:

1. I move the City Council **approve** the First Reading of Ordinance No. 12-15, a City-initiated Zoning Amendment.
2. I move the City Council **approve** with changes the First Reading of Ordinance No. 12-15, a City-initiated Zoning Amendment.

ORDINANCE NO. 12-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING ONE (1) PARCEL (C1234280500000010) CONSISTING OF APPROXIMATELY 18-ACRES GENERALLY LOCATED NORTH OF LITTLE RED WATER LAKE BETWEEN RED WATER DRIVE AND E. CLARADGE ROAD FROM COUNTY M-1-S (MOBILE HOME AND RESIDENTIAL SUBDIVISIONS DISTRICT) TO CITY R-3 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL – MOBILE HOME PARK); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park held meetings and hearings regarding the parcel shown on Exhibit “A”, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel.

NOW, THEREFORE BE IT ENACTED by the City Council of the City of Avon Park, Florida,

Section 1. The official zoning map of the City of Avon Park is amended so as to assign the City zoning classification of City R-3 (High Density Multi-Family Residential – Mobile Home Park) to the parcel located north of Little Red Water Lake between Red Water Drive and E. Claradge Road (Parcel Number being C1234280500000010) with a cumulative total of 18-acres, as shown in Exhibit “A”.

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 11-15.

This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 26th day of January, 2015.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2015.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

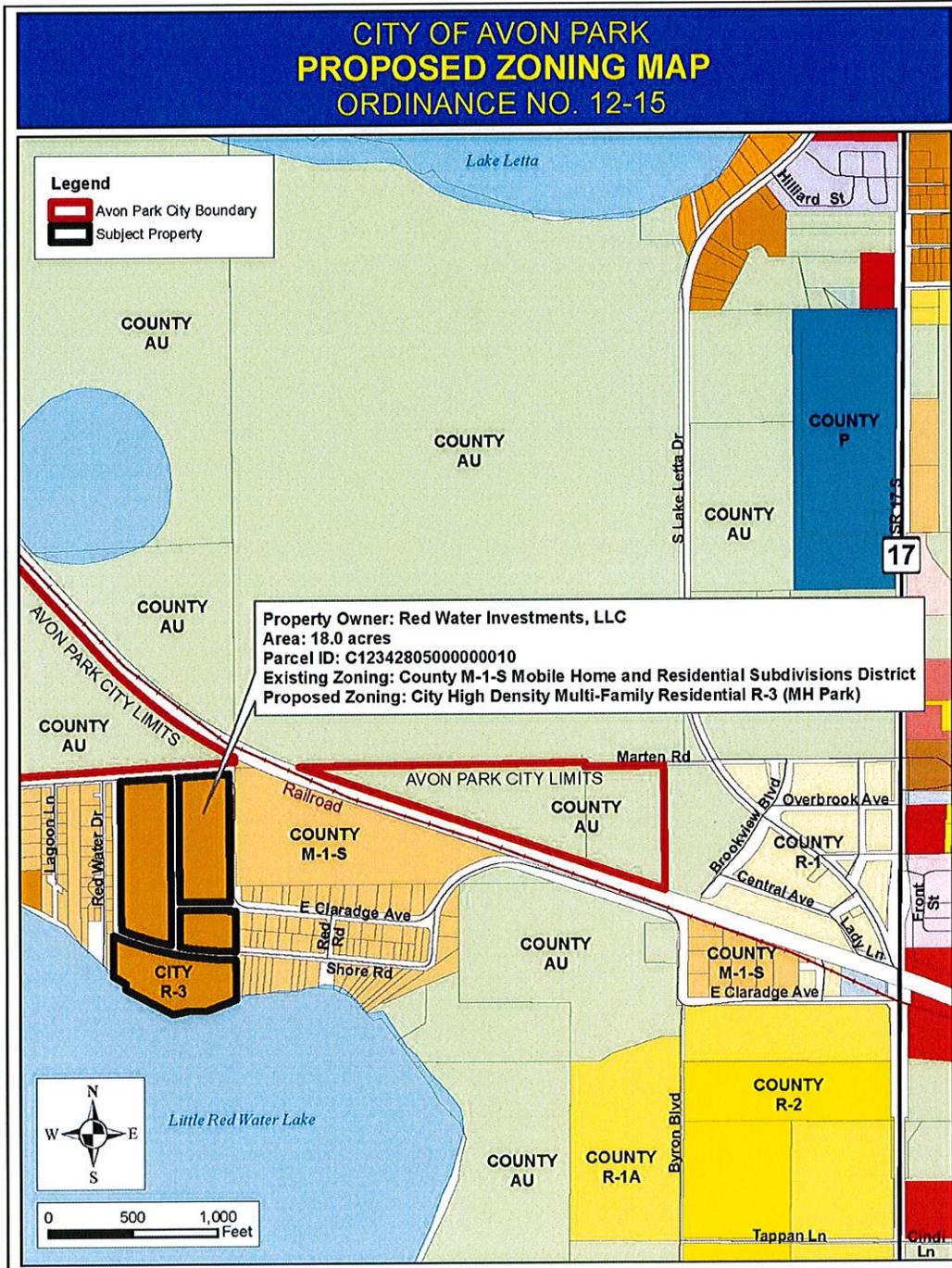
Motion made by _____ **seconded by** _____.

The vote was ___ **for** ___ **against with** ___ **abstentions and** ___ **absent**

ORDINANCE NO. 12-15

EXHIBIT "A"

Proposed Zoning Map



CITY OF AVON PARK AERIAL PHOTO MAP

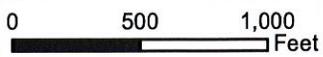
Legend

-  Avon Park City Boundary
-  Subject Property

Property Owner: Red Water Investments, LLC
Area: 18.0 acres
Parcel ID: C1234280500000010



Little Red Water Lake

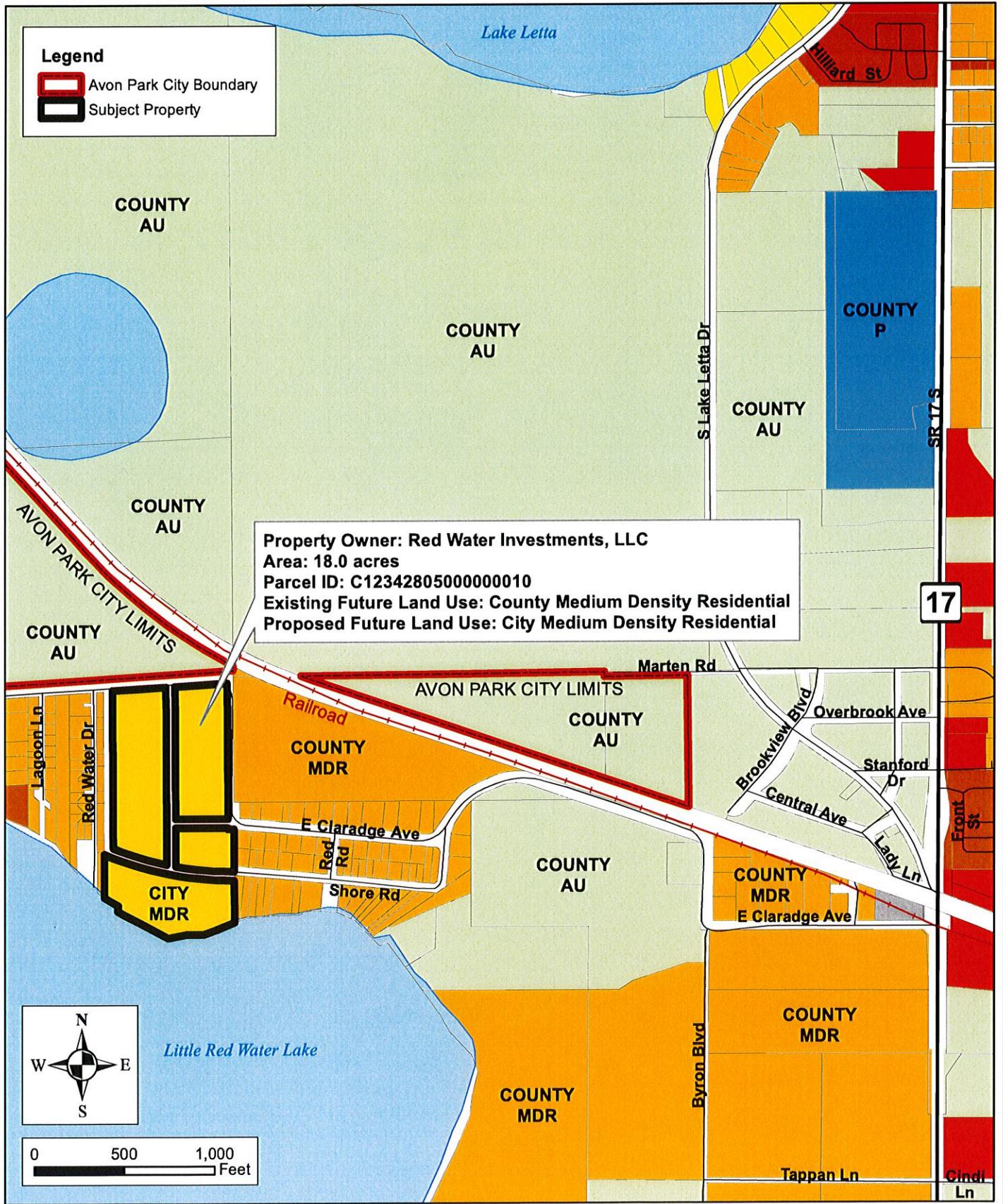


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE NO. 11-15

Legend

- Avon Park City Boundary
- Subject Property

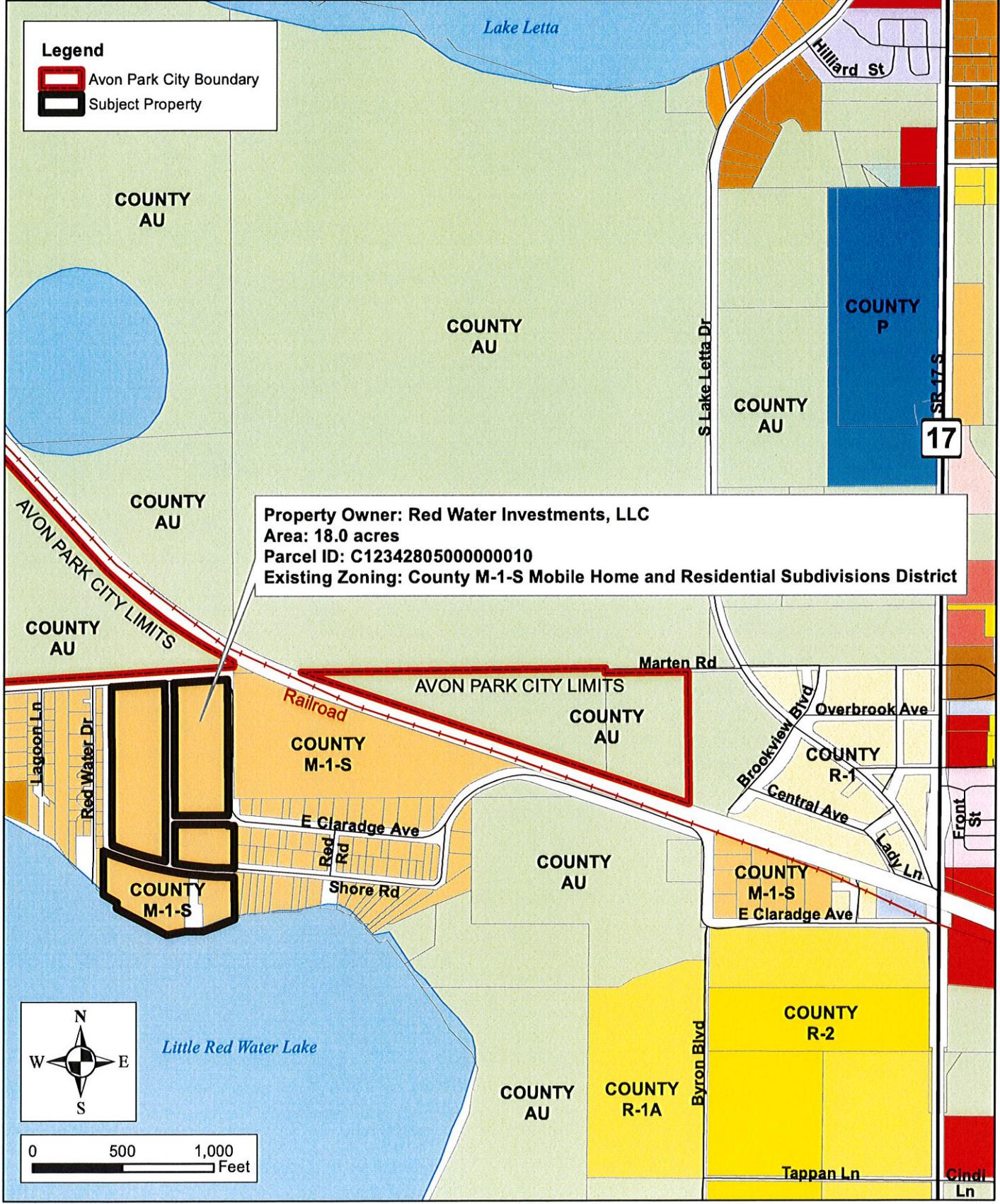
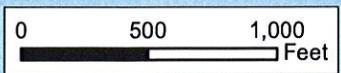
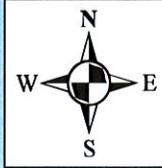


CITY OF AVON PARK EXISTING ZONING MAP ORDINANCE NO. 12-15

Legend

-  Avon Park City Boundary
-  Subject Property

Property Owner: Red Water Investments, LLC
Area: 18.0 acres
Parcel ID: C1234280500000010
Existing Zoning: County M-1-S Mobile Home and Residential Subdivisions District



CITY OF AVON PARK PROPOSED ZONING MAP ORDINANCE NO. 12-15

Legend

- Avon Park City Boundary
- Subject Property

Property Owner: Red Water Investments, LLC
Area: 18.0 acres
Parcel ID: C1234280500000010
Existing Zoning: County M-1-S Mobile Home and Residential Subdivisions District
Proposed Zoning: City High Density Multi-Family Residential R-3 (MH Park)

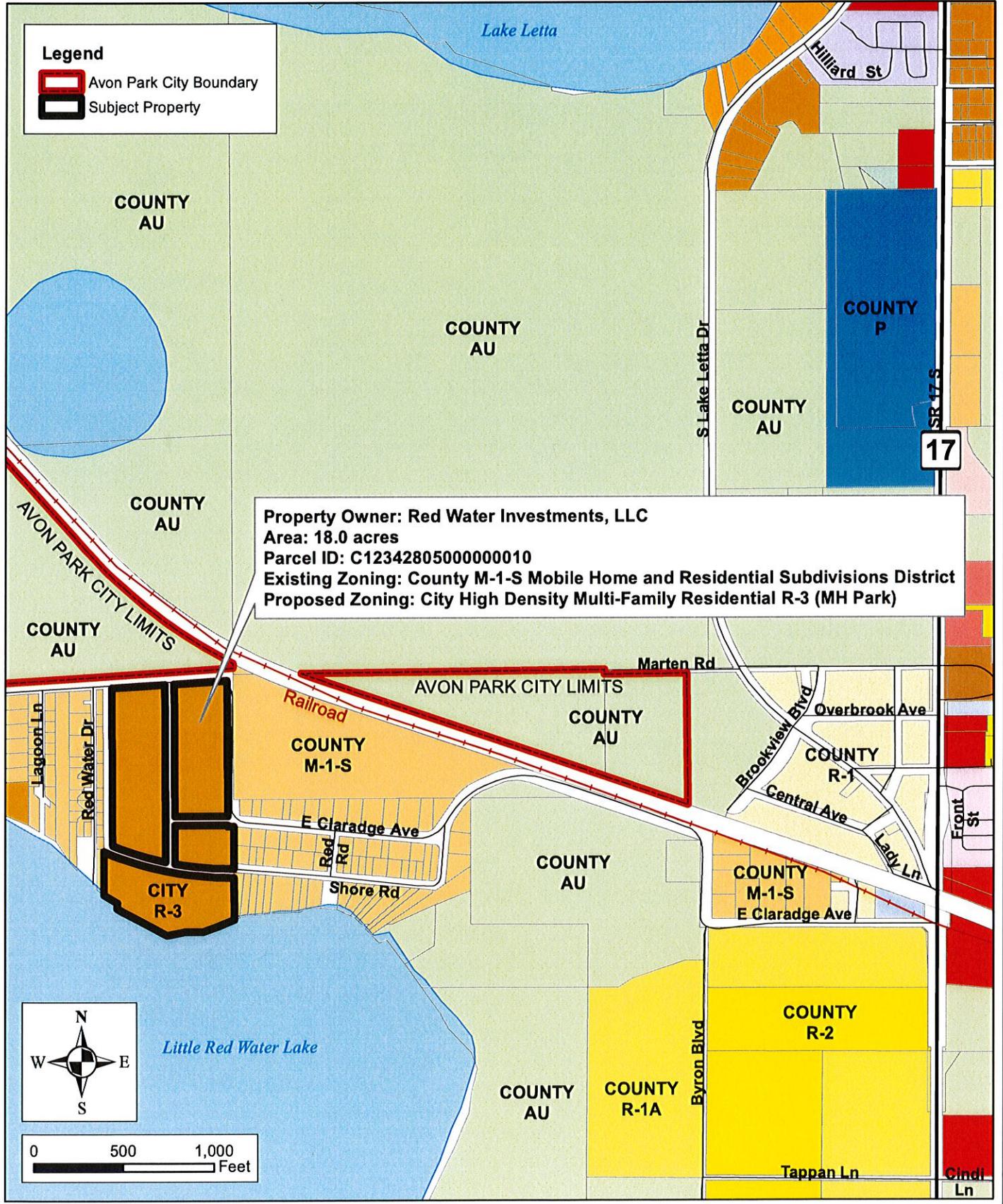
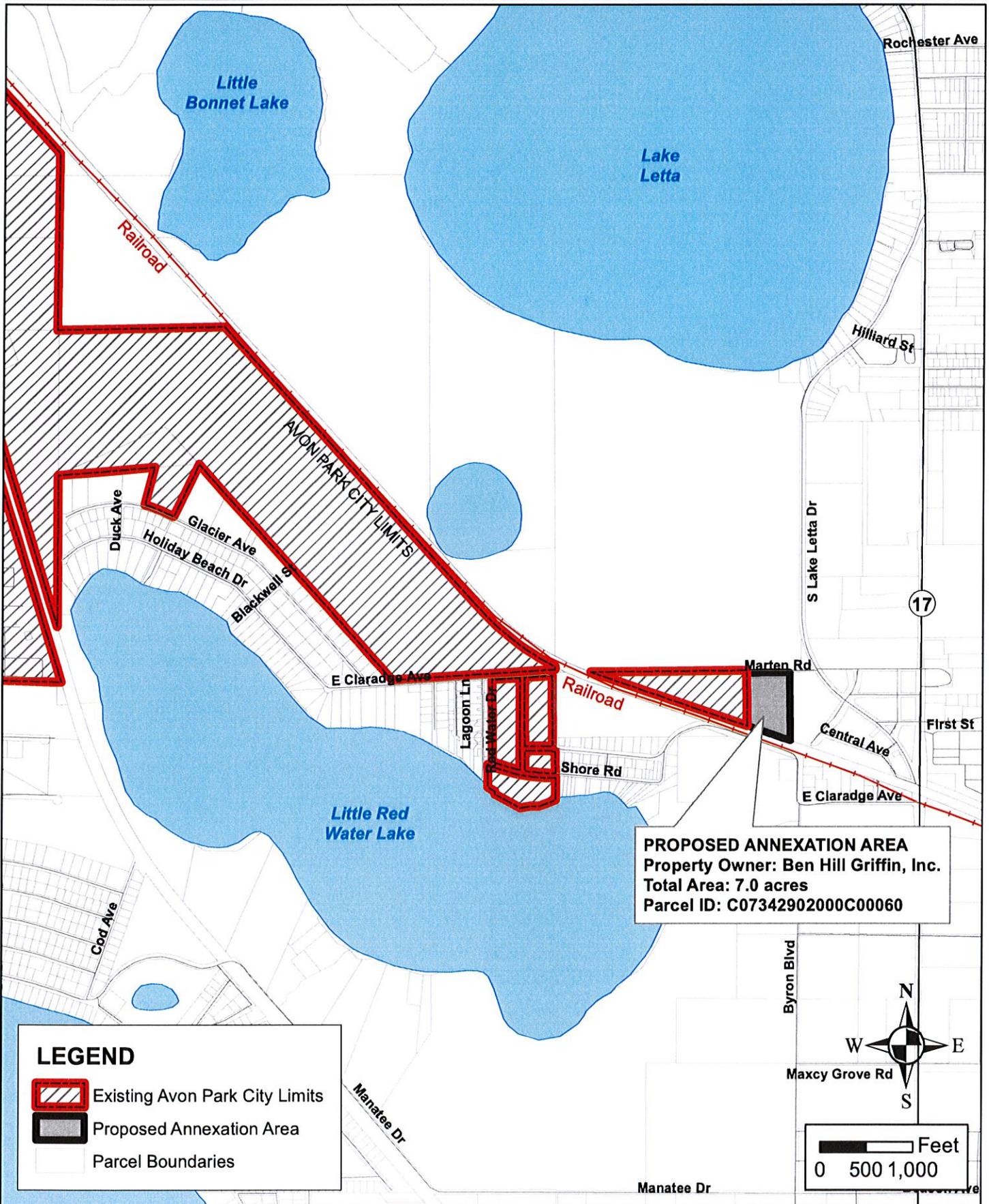


Exhibit "A": Highlands County and Avon Park Annexation Ordinance 13-15



PROPOSED ANNEXATION AREA
 Property Owner: Ben Hill Griffin, Inc.
 Total Area: 7.0 acres
 Parcel ID: C07342902000C00060

LEGEND

-  Existing Avon Park City Limits
-  Proposed Annexation Area
-  Parcel Boundaries

N
W —+— E
S

Manatee Dr

Byron Blvd

Maxcy Grove Rd

Feet
0 500 1,000

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT dated this _____ day of _____ 20____, between the CITY OF AVON PARK, 110 E. Main Street, Avon Park, FL 33825, hereinafter referred to as the “CITY”, and HIGHLANDS COUNTY, a political subdivision of the State of Florida, 600 South Commerce Avenue, Sebring, Florida 33870, hereinafter referred to as the “COUNTY”.

FOR AND IN CONSIDERATION of the mutual covenants and conditions contained herein, the CITY and the COUNTY hereby agree as follows:

1. The purpose of this Interlocal Agreement is to provide for the operation and maintenance of recreation facilities by the CITY. This Interlocal Agreement has been executed pursuant to Section 163.01, *et seq.*, Florida Statutes.
2. The following terms used in this Interlocal Agreement are defined as follows:
 - a. "Maintenance" means all reasonable and necessary costs of custodial and groundskeeping services and normal repairs to facilities, including materials used by and salaries and benefits of staff performing custodial and groundskeeping services. Specifically excluded are costs associated with providing pass-through programs including salaries and benefits for staff involved in those activities, capital expenditures, and major renovations. This exclusion applies to vendors that contract to provide those programs and services and vendors that receive financial assistance for providing programs.
 - b. "Operation" means costs associated with providing the facility for public use, such as utilities (water, sewer, electric, etc.) and operating supplies. Specifically excluded are costs associated with providing pass-through programs including salaries and benefits for staff involved in those activities, capital expenditures, and major renovations. This exclusion applies to vendors that contract to provide those programs and services and vendors that receive financial assistance for providing programs.
 - c. "Pass-through programs" means any programs or services provided by vendors that contract with the CITY to provide programs or services other than maintenance services. This includes vendors that receive financial assistance for providing programs.
 - d. "Capital expenditure" means any expenditure for any item or group of similar items costing more than \$1,000.00.
3. The CITY maintains public recreation facilities located in the incorporated area of the CITY. Those recreational facilities are used by residents of the COUNTY, many of whom are not residents of the CITY. The CITY has requested that the COUNTY assist the CITY in providing the funding required to operate and maintain the public recreation facilities listed on Exhibit "A" to this Agreement during its fiscal year ending September 30, 2015.
4. The COUNTY agrees to obligate and make available to the CITY up to \$110,000 to be used for actual operation and maintenance expenditures as provided in the CITY adopted recreation budget as

contained in Exhibit "B" for the recreation facilities listed on Exhibit "A". The COUNTY will release the funds on a reimbursement basis to the CITY upon presentation of payment requests and expenditure documentation to the COUNTY as provided in this Agreement. The requests shall be in sufficient detail for a proper pre-audit and post-audit thereof. The CITY and the COUNTY understand and agree that reimbursement of funds by the COUNTY shall be for goods and services received by the CITY for operation and maintenance of those recreation facilities during FY 2014/2015 pursuant to Exhibits "A" and "B". This may include retroactive costs incurred during FY 2014/2015 prior to the execution date of this Agreement.

5. All reimbursement requests from the CITY shall be received by the COUNTY by October 31, 2015.
6. Capital expenditures are not reimbursable by the COUNTY pursuant to this Interlocal Agreement, and the CITY shall not include any capital expenditure in any reimbursement request submitted to the COUNTY pursuant to this Interlocal Agreement.
7. The CITY agrees to provide documentation of any methodology used to allocate salaries and benefits for any employees that provide services for recreation facilities on less than a full time basis.
8. The COUNTY agrees that the CITY may establish differential fees to charge between the CITY residents and COUNTY residents that participate in the recreation programs at the facilities included in Exhibit "A".
9. The CITY agrees to save and hold harmless the COUNTY, its officers, agents, and employees from any and all liabilities, claims, actions, damages, awards and judgments to the extent allowed by law, arising from the CITY's obligations contained herein.
10. This Interlocal Agreement shall become effective upon execution by the CITY and the COUNTY.
11. The CITY shall retain all records supporting costs incurred pursuant to this Agreement for three (3) years after the fiscal year in which the final payment was released by the COUNTY or until final resolution of matters arising from any litigation, claim, or audit that started prior to the expiration of the three-year record retention period.
12. The COUNTY reserves the right to inspect the recreation facilities listed on Exhibit "A" hereto as well as the right to audit any and all financial records pertaining to those recreation facilities at any reasonable time. This Interlocal Agreement can be unilaterally canceled by the COUNTY should the CITY refuse to allow public access to all documents, papers, letters or other material made or received in conjunction with the Interlocal Agreement pursuant to the provisions of Chapter 119, Florida Statutes.
13. The COUNTY shall have the right to terminate this Interlocal Agreement and demand refund of all funds for the CITY's material non-compliance with the terms and conditions of this Interlocal Agreement if the CITY fails to cure such material non-compliance within thirty (30) days after receiving notice thereof from the COUNTY, or within such additional time as the COUNTY may allow, and if the CITY fails to cure such material non-compliance within the time allowed, the CITY

agrees to return said funds to the COUNTY within sixty (60) days after termination and demand for refund by the COUNTY.

- 14. Following receipt of an audit report identifying any reimbursement due the COUNTY, the CITY will be allowed a maximum of sixty (60) days to submit additional documentation to offset the amount identified or to return the amount due.
- 15. This Interlocal Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Interlocal Agreement shall only be valid when they have been reduced to writing duly signed by each of the parties hereto, and attached to the original of this Interlocal Agreement.
- 16. The CITY recognizes that employment of unauthorized aliens is a violation of Federal Law. To ensure compliance with the law the CITY shall:
 - 1. Utilize the U.S. Immigration and Customs Enforcement E-Verify System to determine employment eligibility of all new hires and validation of Social Security numbers.
 - 2. Require all contractors and subcontractors working on behalf of the CITY on projects that will be submitted for reimbursement pursuant to this Agreement to: (i) include, and to require the inclusion of, this paragraph 16, substituting the name of the contractor or subcontractor for the word CITY, in each contract and subcontract for work that will be submitted for payment reimbursement pursuant to this Agreement and (ii) supply to the City of Avon Park documented proof that the contractor or subcontractor is enrolled in the E-verify System to verify employment eligibility of its employees.
- 17. This Interlocal Agreement is binding upon the parties, their successors, and their assigns.

DATED this _____ day of _____, 20__.

Attest:

CITY OF AVON PARK

City Manager

By: _____
Mayor

DATED this 26th day of January, 2015

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA**

By: _____
Clerk of Courts

By: _____
Chair

Approved as to Risk/Indemnity Provision

By: _____
Risk Management Department

Approved as to Form

By: _____
Board Attorney

Approved as to Administrative Policy

By: _____
County Administrator

Approved as to Budgetary Requirements

By: _____
OMB Department

Approved as to Purchasing Requirements

By: _____
General Services/Purchasing Department

EXHIBIT "A" (AVON PARK RECREATION // PARKS)

- A. Memorial Field – State Street**
- Recreation Center (1)
 - Football Field (1)
 - Soccer Fields (2)
 - Track (1)
 - Playground (1)
- B. Durrah-Martin Complex – West Hall Street**
- Baseball Fields (4)
 - Playground
 - Batting Cages
- C. Lucy Derkman Complex – North Anoka Ave (Avon Elementary)**
- Softball Fields (2)
 - Batting Cages
- D. Donaldson Park**
- Permitted Swimming Area and Beach
 - Playground
 - Beach
 - Tennis Courts (4)
- E. Lake Tulane Beach**
- Permitted Swimming Area
 - Play Area (1)
- F. Senior Activities Club – Main Street**
- Shuffleboard Courts
- G. Aline McWhite Park – First Street**
- Playground
 - Outdoor Basketball Court
- H. Walnut Street Park**
- Baseball Field (1)
 - Outdoor Basketball Court (1)
 - Play Area (1)
- I. Hicks Boat Ramp**
- J. The Mall- Passive Recreation**
- K. Veterans Memorial Park (Passive Recreation)**